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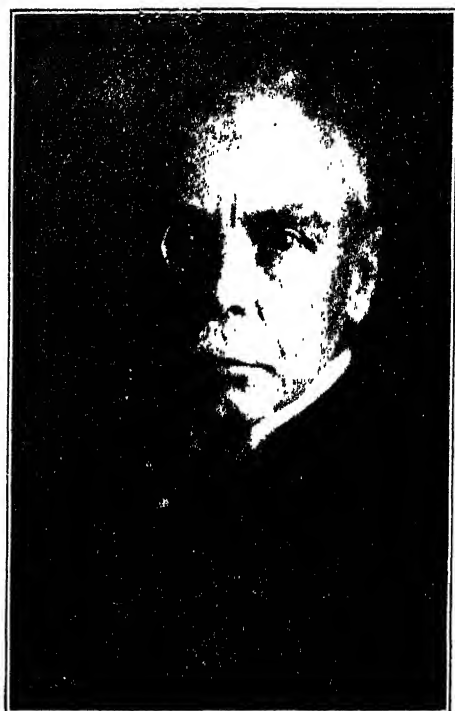












# THE FUTURE OF THE GERMAN EMPIRE

Criticisms and Postulates

With Foreword specially written for the English edition

By

GENERAL VON SEECKT

*Authorised translation by*

OAKLEY WILLIAMS.

*Frontispiece*

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FIRST EDITION

## TRANSLATOR'S NOTE

THE author, possibly because he is as averse from the "alienization" of his mother-tongue as he is of his country's industries, eschews, wherever possible, the employment of "foreign" words, even of those that derive from a non-Germanic root. This eclecticism of language has, from the translator's point of view, the inconvenience that it entails the employment of those chameleon words which will be familiar to every student of the German language—*Wirtschaft*, *Leistung* and *Wesen* are among the most common—whose colouring of connotation differs widely and constantly and is only indicated, not always quite definitely, by the context. Where the rendering of one of these Protean words appears to be open to doubt, the German original has, for the purpose of reference, been retained in brackets. No attempt has been made to translate the essentially German word "*Kultur*." As the author's penetrating definition shows, it is neither education, culture (*Bildung*) nor cultivation, but the outcome of, and the standard set by, all three. To ring the changes on one or other of the accepted variants is to substitute the part for the whole. In the case of an author who

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weighs the value of words with deliberation, this would amount to mistranslation. Moreover, during and since the war we have come to adopt Kultur in its proper significance.

O. W.

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FOREWORD  
AND INTRODUCTION



## FOREWORD TO THE ENGLISH EDITION

THIS book, *The Future of the German Empire*, treats of German matters, but the author hopes that his observations may prove of some interest to English readers as well. The questions treated in this book arise, if under another guise, in every country within the confines of European Kultur and demand an answer.

All these nations are in equal measure concerned in the conservation and the course of evolution of their common spiritual (Geistesgüter) and cultural assets as also in the common basic principles of economics. The health of one State affects that of the other intimately, whether it be to its profit or to its disadvantage. My book, in more passages than one, propounds the thesis that the road to profitable collaboration with neighbours of equal status in the international fellowship leads only by way of national character and national self-consciousness.

The strong may no doubt fare in the company of the weak for a while ; he will treat him with kindly superiority, with a touch of forbearance and just a hint of contempt, but he only likes the companion-

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ship of an equal who can keep pace with him, and in a fight, too, he only likes to meet the man who is his match.

But the healthful and needful national character should not be allowed to lead to spiritual isolation and narrow-mindedness. The study of history and of the spiritual and political conditions of other States is of worth and profit not only by reason of the material interests, indicated above, but by reason of the striving towards the broadening and deepening of the student's own conceptions. In the domain of pure science and art, fruitful intercourse between nations is an established fact, accomplished over centuries, of varying strength and tendency, but the political evolutions of one country have reacted no less strongly on another. Any man anywhere who studies the laws of State formation and economics will always find himself at grips with the teaching of the great English civic philosophers and statesmen, and is bound to take them into account. The forms of the English constitution, more or less adapted to the national character but hardly challenged in their basic principles, have left their imprint on the other countries. It is only within recent times that civic theories, entirely antagonistic to them, have come to the surface and are struggling to win their way to recognition. There is something about these struggles in my work, and it may be of interest to the thinking Englishman to see how the institutions, familiar to him at home, have developed on another soil and have borne entirely typical fruit there.

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A few words must be added by way of introduction on the nature of the German soil, for many of the criticisms passed and postulates raised may appear unintelligible to the English reader, may appear odd, because he takes them for granted. Characteristic of German political growth and entity is the fact that in their evolution nation and State did not keep pace. This fact, which will be within the knowledge of the scholar of German history, lends the Empire, unified into a State to-day, internally, a characteristic which it is not always easy to understand. Because many rights of suzerainty are exercised by the members constituting the Empire, the foreigner is easily misled into jumping to conclusions that cast doubts on the stability of the Empire edifice itself, whereas it will not escape the keener eye that it is precisely the individual evolution of the constituent parts that offers the surest warranty for the strength of the edifice as a whole. The development of the German tribes and States into the German Empire of our times has been very distinct from that of medieval England into the British world-wide Empire of to-day. England's history records a succession of internal struggles and upheavals, yet the course of the evolution of the State conception and the forms of the constitution, viewed as a whole, ensues along entirely direct and logical lines. The consequence is a unity of purpose in political basic outlook, a security of English national sentiment that allowed independence to be conferred on the constituents of the Empire to an ever-increasing degree. Germany had, first of all, to mature into

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unity from many constituent parts, differing in history and formation, and, first of all, had to find and develop the common denominator in national aspiration (Wollen). The best evidence of the strength of the common denominator is the fact that neither the late War nor the ensuing Revolution availed to shake the Empire's unity. It is not to be denied that these events jarred the ordered development of German State life and the historical evolution of its constitutional forms and replaced them by violent changes. The consequence could only be that fierce antagonisms have arisen within the Empire and that the fight for civic life often assumes acute phases. But if, in addition, you take the general difficulty of the world's economic position, which is a sequel of the war and raises new problems in every country, and if, furthermore, you consider, that economically, Germany is still suffering under the sacrifices of the war and is more heavily burdened by the payment of tribute, imposed on her, the internal unrest and the hot fighting round the roads to betterment become easy to understand.

The fight will and must be fought to a finish. The capacity for work and the sound political instinct (Sinn) of the German people will get the better of the danger lest her development take the road that Russia has gone. The German Empire, despite its thousand years of history, is in its present phase a young Empire with the weaknesses and defects of youth, but with youth's strength and hopeful outlook on the future. The German nation has yet to

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ive itself into its new State and conciliate domestic antagonisms, then, in its case too, the common factor will become a matter of course and Germany will resume the course of quiet evolution.

To promote some understanding in England of the conditions under which Germany is living and struggling to-day, is the purpose of this short preface.

A large, stylized handwritten signature in black ink, which appears to be 'F. Schlegel'.

BERLIN,

31 : 12 : 29.





## INTRODUCTION

THE ensuing reflections are neither prophecy nor programme. They are bred of anxiety ; brought up on experience and knowledge ; they are full of doubt and hope. These thoughts must, and are meant to, conflict ; but their real fight lies behind them and by this time they have fought it out between themselves.

When I speak of the future, I mean thereby the continuity of the past to which the future is fatefully linked. The Present, the day, is nothing more than the cramped stage on which the threads of Yesterday are being woven into the evolving forces of Tomorrow ; but it is only this fleeting Present that holds the potentiality for human action. The man of action is therefore confronted with the task of grasping the threads of the Past and, within the working day allotted to him, of fashioning them into a new fabric for the Future. The Past is fate ; nothing of it can be changed, but it can teach a great deal. We can and must know what task the conveyer belt sets before us in the clear light of the working day, what tools to have at hand wherewith to shape the action which we then, conscious

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of our responsibility, pass on into the darkling future.

This postulates historical thought and knowledge for our action. This demand for historical thinking is unpopular because a generation, eager for action, which chance seems to have set at a turning-point of Time, would fain evolve of their own selves, unhampered by what has been, some new thing, present and future. This aspiration is more than intelligible ; it is morally and æsthetically beautiful in its youthful vigour, but it is none the less, because in opposition to the organic law of evolution, unfruitful. We can no more stay the endless belt—to use this simile, borrowed from the workshop, for the last time—than we can make it run backwards. Whether we mourn over or rejoice at this turning-point of Time is the expression of purely personal sentiment which has no bearing either on what has been and what will be, or on our work. Expressions of this kind are more a question of human tactfulness, far too often conspicuous by its absence, than of any practical value. It is the day's work alone that counts towards shaping the future.

Even if it were within human choice and power to select a phase of the past for a new start, a new present and a new future would none the less ensue therefrom under new provisos and as the historically logical consequence of past happenings. This future might well, and probably would, have some similarity with the past—assuredly with some past or other—but, none the less, its future would be quite new.

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The value of a knowledge of history does certainly not encourage the hope of learning about a future from a past—labour lost!—nor the endeavour to make the past live again ; but this knowledge should serve the purpose of appraising which of the currents breaking in from out of the past, are strong and of service, which are spent and ebbing ; where the thread of the event is broken off short and beyond being linked up again ; where it yields firmly and smoothly to the directing touch, where it is in need of strengthening or loosening.

A man who does not know the source, origin, and nature of these movements and threads will never master them. The master, who, full of youth and energy—years mean nothing in this connection—takes up his stand at the anvil of the Day must have served the term of his apprenticeship and pupillage in History. In the case of one man it is long, in the case of the other, short ; whether he have acquired it in the village school or at the academy of life does not matter ; only may a kindly fate preserve us from political infant phenomena, as also from political geniuses, dilettantes, and bureaucrats. Education in history then—that does not mean a collection of dead dates, although some knowledge of dates and periods should not be underrated because it teaches patience and understanding of the periods of development—higher education of this sort should inculcate modesty and wise restraint, because it co-ordinates the personal “ I ” to a little cog in great events, because it strips the Day of its importance as the dominant central

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factor in Time ; because this education—and this is its main purpose—teaches us to differentiate between what is ephemeral and superficial and what of everlasting worth and weight. Many an ideal, many an illusion, takes flight before the cold knowledge of history, but, in return, the laws of being and growth, which are of constant, enduring worth, become plain, and the great problems of humanity, the problems of Might and ability, the paramount problems of governance and society, become clear. The questions of the day have to be seen *sub specie aeternitatis*, just as those of the past and, still more, those of the future, because we have a conjoint responsibility for the latter ; therewith the importance of the present disappears, not in the sense that its potentiality for action should not be turned to account by every man to the full extent of his powers, but because the purpose of the day's work is not To-day but the manifold To-morrow.

Our predecessors bear the responsibility for the past ; the work of the Present is subject to our responsibility as towards the Future. This work sets the unfashionable postulate of respect for the past because the roots of creative youthfulness, which only folly and vanity pretend they can afford to prune away, are buried there. This youth bears the responsibility for its actions and for the future and therewith the greatest and fairest of obligations, because no one relieves it of this responsibility. In this way two philosophies, which we have accustomed ourselves to call Conservative and Liberal, join hands ; the Conservative

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roots give the tree its vigour to bear Liberal blossoms and future fruitfulness for the weal of the Empire.

The Empire ! (Reich). There is something super-sensuous in this word. It embraces far more and connotes something other than the conception of a State. It does not stand for the State institutions of to-day. Sprung from ancient roots that did not lie in Germany, and linked through them to the Roman world Empire and world Church, the Empire, amid the changes and chances of history, is in being ; often bowed by the storm, often rent by inner ferments, but ever and again the tree rises anew ; even when the trunk itself disappears, its being (Wesen) remains. The conception of the Empire is almost the sole uncontested bond of unity in our German present because we have taken it over from out of the past, because it embodies the fusion of all the forces of the present, and because the weal of the Empire is the task of the future for all of us. The Empire is, too, a political conception of the present ; it has its limitations of to-day. Yet it is far more ; it is an organic living entity (Lebewesen), subject to the laws of evolution ; its conformation and its greatness, therefore, are phases about to encounter new changes of which it has undergone so many. The shadow of the tree may, according to the lie of the sun, cover a wider or narrower area ; branches may wither and be snapped off by the gale, but the tree puts forth new growth from sound roots and awaiting every man whose spirit (Inneres) draws him to the Empire to rally under its shelter.

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To the German Empire ! We are living in an era of the revival of the sense of nationality throughout the world. That is a wholesome and natural development because it is the outcome of a necessary and logical opposition to a simultaneously rising tide of internationalism. Internationalism is the consequence of the increasing interchange of Kultur and therewith of the increasing complexity of economic interests which stand for the soil from which these Kulturs have sprung. World citizenship appeals to the German mentality, but to hold one's own in the competition of the most varied forces on the most varied planes of activity calls for the conservation and the re-invigoration of national character which can only be achieved by the closing up of the ranks among people who are kin. The goal of a sound internationalism is not the creation of a great association devoid of national structures and institutions, but the League of many self-conscious and self-assured members for work in common. It is for the sake of this co-operation in international affairs that the need for the unhampered evolution of German character and of the forces they represent, arises. This evolution is only possible in a healthy, secure, independent German Empire. Historical training and outlook are the safeguards against a wide-spread error, that of abstract politics or atrophied political theories. There are no phases of public life that have not got, or at any rate ought to have, their national characteristics. No form of government, no constitution, no code of law is of absolute worth ; they are not transferable.

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Only a knowledge of history safeguards us from the error of transplanting successful methods and forms of alien countries to German soil. A man who wants to understand Italian fascism, the English Parliamentary system, Russian Bolshevism, and French centralization in their essentials (Wesen), must derive his knowledge from the history of these nations, that is to say, from the summing up of their national character. We do not express any opinion whatsoever as to the worth of these forms of government for their own nations when we propose to derive our own form of government from German idiosyncrasies, our own future from the German past.

The study of history gives us yet another assurance by teaching us to realize the incessant flux of things. There are no more political forms of supernational, than there are of supertemporal worth. To realize this insures us against a mistaken conservatism looking for eternal verities in mutable forms. State institutions, organizations, legal codes have, in themselves, no everlasting worth. They have grown up, are in being to-day, and are subject to change in the future. We To-day are making the laws of Yesterday for a To-morrow. How could it be otherwise, since we draft them from experience, that means, from Yesterday, in the light of To-day's vision, and trust that for a span of the Future they may be of service until new experiences call for new laws.

We might perhaps do well to contrast the study of fewer philosophies and to endeavour to glean from the German past and the mentality (Wesensart)



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revealed therein, what is of service to the Germany to-day and to the near future that may still be ours to mould. The task set us is one of practical politics, not the propagation and championship of political theories. The realization of the interplay of all happenings makes us modest and at the same time conscious of responsibility. The fulfilment of the needs of the day in the course of national evolution, that is politics.

The sense of responsibility is still left for discussion. The peculiar thing about it is that no human being who is conscious of himself can divest himself of it. That appears to be incorrect and to be refuted by experience. But that sense of responsibility that allows itself to be sub-divided is no real sense of responsibility, but the shirking of it is, in reality, cowardice. There is yet another false sense of responsibility, the responsibility which a man is not competent to undertake, but assumes out of self-conceit. We hear a lot about leadership and the leader's responsibility, just as if the responsibility of the led were thereby wiped out. No less sense of responsibility attaches to the obeying than to the giving orders. The fool is without any sense of responsibility; so is the slave. The nature of responsibility always remains constant; the degree may be very variable and therewith its burden. No man can do more than submit his work to the sense of responsibility wherewith life has endowed him, but the responsibility of the leader is overwhelming, because he alone sees the interplay of forces, the road,

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and the goal. It is his destiny to bear this responsibility just as the sense of responsibility of the led impels them to follow their leader. Not every man can be leader and lay claim to a responsibility that does not belong to him. In the varying degree of responsibility, not in its diffusion, lies the solution to the struggle between mob rule and leadership. The mass of forces, imbued with a sense of responsibility, follows the leader of the same mettle ; the sum total of individual responsibilities is only focused in one man.

In this sense the power of the State emanates from a people in which every man feels responsible to his own self and to the community, and responsible, too, for consciously allowing himself to be led ; for it is not the mass that leads, but only Personality.



CHAPTER I  
THE GROUNDWORKS



## CHAPTER I THE GROUNDWORKS

### *Agriculture*

HISTORICAL evolution during the pre-war era marked an increase of the industrial as against the agricultural forces.

We need not trouble our heads as to the course this development might have taken if their relationships had not been entirely dislocated by the war. A further development of Germany in the direction of an industrial state, which, of course, must have been at the expense of agriculture, was based on the assumption of rising foreign markets and the safety of the lines of communication thereunto. This proviso has gone now. The road England took was never open to nor desirable for us ; it is blocked against us now. A closer parallel would be the object-lesson of America where, side by side with a vast industrial expansion, a flourishing agriculture has been built up ; but as, in this case, the data differ, so do the results vary and offer no trustworthy parallel to our position.

Our economic conditions before the war made it possible for us to import agrarian products in ever-increasing measure and permitted the productivity

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of home agriculture to be set back without immediate appreciable detriment to the realm. The damage done was cancelled out by the advantage gained by industrial development. This condition of things, that is to say for Germany to be importing goods which she herself could produce in the quantity required—or at any rate very nearly—and, given the right lines of development, of satisfactory quality, was in itself unnatural. As things were, however, not only the export industry, but trade and shipping as well were flourishing and bringing money into the country and as, in various ways, agriculture benefited indirectly from prosperous economic conditions generally, there was no incentive to encourage agricultural productivity. Statecraft, deftly vacillating between an industrial and an agricultural policy, had got the better of several crises.

The war, with inexorable directness, showed the consequences of an insufficiently self-supporting food supply ; the war and still more the post-war blockade, occasioning losses, shortage, deterioration, and substitutes in all domains owing to lack of raw material, led, in the domain of food supply, to undernourishment, from the consequences of which we are still suffering, and shall continue to suffer for a long time. The possibility of the recurrence of such blockades, more especially as they have been officially recognized as an instrument for implementing international resolutions, cannot be denied, and therewith arises the imperative necessity for taking all possible measures against this danger of being starved out. This postulate is not only of an economic, it is quite as much of

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a political, character. We bear in mind that once before we were forced by a starvation blockade into accepting monstrous conditions of peace, that, in alarm at a new collapse of the currency and therewith renewed starvation, we had to commit ourselves to the acceptance of very heavy burdens.

There is another point to be considered. With what funds are we paying at present for the deficit of our food supply which, apart from the increasing numbers of the population that have to be supplied, shows a tendency to rise on its own account? With borrowed foreign money! And if this influx should some day or other be cut off, what then? To fall below a certain standard of nutrition, which in our case, as compared with other countries, is not high in itself, involves a very serious injury to public health. The demand for a sufficient, constant, and cheap food supply for the community and for the nation is universal and above all party quarrels. The whole of this food supply can, apart from other measures, only be permanently assured at its source, from an agricultural system producing foodstuffs.

It is a matter of course that this postulate does not imply a onesided favoured-nation treatment of the farmers at the expense of other professional traders. On the contrary, it is the duty of the home farmer to supply the population, as a whole, that is to say, in the first instance, the urban workers, engaged on productive work of value in terms of industry, with a sufficient, a constant and, in cases of emergency, an assured food supply. It is here that the inner inter-



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connection between the industrial and the agricultural sections of the nation, between the producer and the consumer, becomes apparent. In the natural course of things we therefore have to postulate that the producer be placed in a position to fulfil his task. There the, in the wider sense, common interests of both sections of the population conflict in practice.

The problem of price is the key of the position. The reasonable demand of the farmer to get a price for his products that, in his case, will ensure a minimum means of subsistence, conflicts with that of the consumer to obtain his food supply at a price commensurate with his wage income. As this quarrel is, in the first instance, fought out with the natural weapons of supply and demand, it is palpable that unduly low productiveness raises prices above the tolerable. Therewith the demand for import arises. This in turn depresses the profit of the home producer, possibly below the margin of the tolerable. At this point the State, in its capacity of impartial arbitrator between conflicting interests, intervenes, and therewith we are faced by the weighty questions of tariff policies. Disregarding all theories on matters of details, the principle remains that the State should protect a branch of trade by tariff until—but only until—it is sufficiently strengthened to be able to do without protection. That, as applied to agriculture, would mean that it would have to be protected by tariffs for so long and in such measure until it is definitely equal to its task of taking over the food supply of the population as a whole. Once it is, the reason and the

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occasion for importing foodstuffs would lapse of their own accord and it would only be the business of the State to take measures that surplus supplies did not lower prices at the expense of the home producer below the margin of prices it is reasonable for the consumer to pay.

Things are, of course, not as plain sailing as all that. It is enough to point out here how necessary it is to keep oneself unhampered by fixed tenets (*Satzungen*) and figures, difficult to vary, and to concentrate on the root of the matter (*das Wesentliche*), in this case the nation's food supply, by measures that continue to adapt themselves to circumstances.

To this clash of interests between producer and consumer another is superadded in the quarrel between industry and agriculture. Tariffs, even when their effects are designed to be confined to home economics, that means home politics, are after all a question of foreign policy, of world economics. Industry has equal rights with agriculture for attention where its interests are concerned. Viewed from without, these interests indeed appear to outweigh any other, especially in our present position when the payment of tribute rests mainly on the future development of our industry and payment is to be effected by the export of industrial products, for we are, for the time being, a long way off any appreciable export of agrarian surplus products. Now the more we close our frontiers for the benefit of home agriculture, the more the countries that want to supply us with their agrarian products and are not allowed to, close their markets

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to our industry by tariffs of their own. As the latter are, however, essential to our economic life it becomes impossible to regulate our tariff policy exclusively by the interests of agriculture. The adjustment of interests is, again, the concern of the State.

These short expositions, which do not claim to be exhaustive or new, are only meant to inculcate the recognition of the fact that a goal acknowledged to be right, the assurance of the food supply by home agriculture, cannot be attained by external measures alone, as, for example, by a tariff policy, but that it must, of its own initiative, find its own way to deal with the problems confronting it.

Before we turn to the ways and means leading to this goal, which, in the nature of things, cannot be reached overnight, we find ourselves faced by the fact that the productiveness, indeed the existence of agriculture and therewith of our economic life as a whole, is seriously menaced. To investigate the causes of this state of things in detail would take us too far afield; the key to this position, however, is the fact that agriculture at its present stage of productiveness is not equal to the demands made upon it and threatens to succumb under the burdens imposed upon it. That means steadily decreasing supplies, rising imports, and growing indebtedness abroad. The answer to any question of remedial measures must, briefly, point to the alternative of either an increase of productivity or a relief of the burdens. Relief is the remedy more rapid in effect, but, in the nature of things, it is an emergency or transitional measure, because the State

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only imposes these burdens of necessity, and the loss of their yield will have to be made good from some other source. In spite of that, the State will have to adopt these measures to keep agriculture on its feet, but they are not the only ones. We have already touched on the alternative to a protective tariff with its difficulties and limitations ; the relief of real estate from indebtedness by State aid in the form of loans on favourable terms, or grants of credit, is another. These measures are of an equally temporary character and must be. If agriculture becomes a permanent State pensioner, its doom is certain. Apart from the fact that permanent State aid paralyses the energies of the individual, after reaching the high water mark of his capacity for work, it gives the State the right to interfere in the conduct of his business (Wirtschaft).

Permanent subsidies at the expense of the community casts the State for a part for which it is by no means qualified because it is not the general purveyor of the community ; on the contrary, the community, made up of individuals, has to maintain the State. The duties of protection and adjustment fall within the functions of the State. It is free, too, to assist temporarily certain branches of trade of importance to the community out of the resources entrusted to it by the community ; in the main, its business is to encourage the development of trade and to educate its nationals up to independence. Independence is the outstanding characteristic of agriculture ; it is, in fact, its essential feature that it is made up of individual undertakings and has the weakness of the type of

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enterprise that is beyond the range of Kartel organization on a big scale and works with a dissipation of energy difficult to combat. On the other hand, the strength of agriculture lies in its individual enterprise because it is imbued, to an exceptional degree, with a sense of self-responsibility ; that of the national duty of wresting the greatest possible yield from the soil entrusted to it. In many respects freer than the townsman, the landowner is constrained by the fact that his only title to the parcel of national land, allocated to him, is the obligation to make it profitable.

If we now turn our attention from remedial measures for agriculture, to which several others, such as road-making and railway rates could be added, the problem of permanent betterment remains to be dealt with. We shall in the first instance have to admit that, in its development, German agriculture is behind the times and is, as compared with others, backward. There is no suggestion of blame attaching to any particular individual for this ; the fact remains. Whether the methods of production should be submitted to a thorough overhaul cannot be discussed within the scope of a study of principles. The important point is the regulation of the market because that determines production. The objective is to ensure a regular and balanced market at prices that encourage the purveyor to produce and are within the means of the consumer. To this end the troubles inherent in individual enterprises and in the unevenness and multifariousness of their production by reason of their diversity must, as far as possible, be disregarded ; similarly, we must

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try to minimize the disastrous effects that weather and consequently the harvest exercise. The methods to this end appear to be rationalization and standardization ; in other words, a reduction of the number of the methods of production of the same product and in a grading of the goods in accordance with their utility value. The appropriate form for the organization to attain this end appears to be the co-operative system, whereby the failures of individual undertakings are countervailed by the centralization of as many as possible of them. By this method the goods produced would acquire a commercial and a credit value. Trading should not be ruled out from this economic operation, but should be an organic part of it, because it takes delivery of, stores, and distributes the wares ; the profit that it draws therefrom is in itself entirely legitimate. But it must be in a position to count on goods of, as regards quality, consistently constant value. It is only a product of this kind that can be chargeable and facilitate, in fact, make the collaboration of a mobile capital with agrarian wares, possible.

It appears inevitable that on a closer investigation of these problems our gaze should turn to foreign countries which are in advance of us in these respects, in the first place to America. Since like economic premises must lead to like conclusions, instruction may well be derived from experience abroad without succumbing to slavish imitation and without any intention of adopting foreign arrangements forthwith to our own conditions. The results as expressed in

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figures are so convincing that, in our case too, similar methods, in so far as others are not discovered, must be explored. In America the State has with a striking measure of success taken the direction of agricultural development in hand, a path on which we could only follow with reservations. We should only be setting up a new bureaucracy and thereby arriving at a State Socialism that is nowhere less appropriate for the end in view than in the domain of agriculture. In a development of this kind lurks the danger, apart from reduction of output which may be accounted a certainty, that, in lieu of economic, political considerations will gain the upper hand whether the State aspires to become the permanent financier of agriculture or itself a great landowner. Whereby in either case it reduces the free tiller of the soil to an employee of the Agricultural Ministry.

We are watching this onset of political considerations, not in our own country alone, in an opposition to great land-holdings, an antagonism that loses sight of their historical development and therewith of the causes leading up to them which were usually due to local conditions ; no doubt, too, often enough, to political events. Proprietorial conditions, as now existing, can in all cases plead their rights, and changes should not be effected to meet the wishes of theories and political aspirations, but should, at the very least, be determined on preceding trustworthy evidence that reform would stand surety for a higher yield from the soil. This evidence will, however, rarely be forthcoming, but the postulate is, in no circumstances to

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reduce the yield of the soil, even if only for a limited period ; it lays down the boundary lines for the efforts, sound and wholesome enough in themselves, to make property and employment for the surplus of the population. The conversion of big land-ownings into small holdings is, in itself, no goal worth pursuing ; but it has to be effected in cases in which the former has proved itself not worth keeping alive, that is to say, not sufficiently profitable. To promote the conversion, in this case in the interests of the nation's food supply, is the function of the State just as it is its duty to bring idle soil under tillage or to encourage efforts to this end. In home colonization of this kind, in settlements, the State is following the example set by the rulers of Prussia in the East and it should follow it in view of the fact that they carried their colonization into effect immune from preconceptions and immune from red tape, established big landed estates where they promised returns, settled peasant farmers and small holders where conditions were in favour of this type of culture. A settlement policy makes enormous demands on intelligence, on patience, and on the purse. At a time of the utmost impoverishment Frederick the Great embarked on his home colonization policy as the best method of remedying damage done.

Two categories of human beings are not qualified to follow in his footsteps : dilettantes and bureaucrats. Everything must be subordinated to the one objective ; to the restoration of liberty to the Empire by enabling it to live on its own resources, drawn from its own soil.



### *Industry and Trade*

Only a few of the reflections that suggest themselves in the great domain of economic life, are going to be outlined and discussed here.

The view that an entirely new epoch had dawned with the Great War and that brand-new laws of evolution were clamouring at the door, is very general. It is erroneous ; because even so great an upheaval as that cannot derail established economic laws, quite apart from the fact that it is, to a far greater extent, because the distribution of the forces, rather than the forces themselves, has been changed and because economic Europe of to-day does not show such a very different complexion from that of the pre-war era. The protagonists of this economic revolution are either drawing wrong conclusions or they now believe themselves to be in a position to look upon the economic revolution, which would allow them to put their ideas into practice, as a necessary sequel to the political revolution. Perhaps one would be nearer the mark in contending that, during the war, the German economic system gave the most signal proof of its soundness, so that there is no excuse for disturbing its groundworks. How far that has been done in the course of the ten post-war years and whether the groundworks are not threatened in the future : that is a question of grave anxiety.

Let us point to the most menacing danger first : the alienization of German industry.

After the burdens, imposed on industry by the

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State, in inverse ratio to the decline of its earning capacity, which, by reason of the tribute schemes are going to increase continuously, and cannot be met out of its own resources alone, Industry has to look round for new partners whom it can only find abroad where capital is plentiful. A list of firms and works, wholly or partially in the hands of aliens, the sums which Germany owes to aliens by way of interest, in addition to the State's payment of tribute, would fill pages and need supplements almost every day. Since the Empire and its industries, even looking some time ahead, cannot pay the interest due abroad out of its real earnings only, and cumulative indebtedness soon finds its credit limit, the road of economic liquidation, a road along which we have gone fairly far, is only left to enable us to meet our obligations. That means an economic domination of aliens, a gradual sapping of national strength, the loss of economic independence and therewith a set-back of State sovereignty.

The antagonism between employer and employed assumes a very different aspect, if the former is an alien and the latter a German working man. It is astonishing what little publicity and recognition this danger of alienization has, so far, met. Its effect is more felt—this, by way of interpolation only—on the urban real property market, and it is about to tighten its grip on agriculture. Otherwise a wider public would perhaps realize that we are going on being very nearly paying for the repurchase of political by the surrender of economic sovereignty. One reason for

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the disregard of this danger lies in the attitude of certain quarters to the question of internationalism, an attitude that is determined as much by political convictions as by material interests. One of the methods of making this permeation of alien influences into his economic life palatable to the German is the vision of an economic pan-Europe and, in the event of its realization, it would certainly be a matter of indifference whether the producer were 'domiciled in Germany and the beneficiary in Paris. Mobile capital has already assumed an international character to such an extent that, in the long run, it is quite indifferent by whom its dividends are earned provided they are duly paid. A number of industries, forced into international trusts and pacts in order to maintain their yield at the old rates, or according to pressure of circumstances, to raise them, and in the struggle between national characteristics and international rationalization, have had to enlist for service under the latter.

If, at the outset, we repudiated the influence of the war on the basic principles of national economics we shall have to admit it now and take it into account as bearing on the practical questions of the day, for the dangers to which we have referred are shown to be a direct sequel of the war. That applies in the first instance to the payments of tribute, arising out of the lost war, which are the main burden on our economic life. It is quite clear that the Empire cannot make the payments demanded and at the same time maintain a sound national economic system; that this road is

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leading us either to bankruptcy or to liquidation, is manifest, even to people who refuse to admit or agree it. That, in spite of this, the hopeless attempt must be made to meet these demands, is a matter of political decision, because it is purely a question of Might. Maybe the economic system of the Empire will survive the crisis without the consequences indicated ; maybe it will by its toil find the interest for its alien creditors, whether States or private individuals ; then at long last it ceases to be a national German economic system, but becomes a Colonial territory of international capital.

The tendency towards the internationalization of economics is a sequel of the war in so far as it was due to a sense of national weakness after the defeat, just as the same feeling, in terms of politics, brought about the transition from militarism to pacificism. Both sentiments are equally mistaken and, from their very nature, incapable of that logical reasoning which must lead the way to the restoration and consolidation of national policy and national economy. To discover this road is the business of the State which, as a sequel of the war, is forced to bring pressure to bear on economic conditions. Therewith another danger arises : of an undue amount of State intervention ; in other words, of an unsound State Socialism. We have to endeavour to find a way out between this necessity and this danger.

Let us prefacè our remarks by saying that we hold firmly to the independence of economic institutions in its widest sense and believe State interference to be

THE FUTURE OF THE GERMAN EMPIRE indicated only under the pressure of emergency and within the limits of the absolutely necessary. The war forced an exceptional type of economy on us, which, although a necessary evil, but none the less an evil, was regarded by many fanatics of organization as an ideal model of rationed State economy (*Wirtschaft*). With all deference to this improvised achievement, it would perhaps have been a sign of a greater gift of organization if some provision had been made for the return to normal conditions (*Umstellung*). A lack of foresight of this kind ought not to be laid at the door of a State, resolute to exercise its Might, more than once.

This leads us to the conclusion that the State must supervise the adaptability of industry in peace time for its task in war. The material armaments of a country to-day do not consist in the accumulation of ready-made munitions but in the preparation for their production. Hence follows the necessity for the supervision of the raw material in hand and required, and in this connection, in view of the possibility of an interruption of supplies, home products must have preference even if their production is less profitable than their importation from abroad.

Where the requirements throw too heavy a burden on industry, State subventions of as temporary a nature as possible must supervene. All intervention of the State into economic freedom must be of a similar character, for its purpose is not the gradual development of State trading but only a restriction of this freedom in view of the vital needs of the State. It is

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fair to assume that an industry working under sound conditions will adapt itself quickly to the demands made upon it without sacrificing a great deal of its productivity, as the object-lesson of American industry in meeting without difficulty the armament requirements imposed on it, shows.

A second interference with the economic system arises out of the Empire's payments of tribute. As these payments can, in sound conditions, only be made out of an economic surplus, the State, as long as the payments of tribute last, is compelled to control exports and imports and, if necessary, to restrict imports, because if exports close down and imports continue to rise we are bound to pay for the latter out of our assets with the consequences indicated above. The State will therefore have to decide just in the same way, as was pointed out above, as it had to have recourse to a protective tariff on raw material, to adopt temporary protective measures in regard to imports. Similarly, it is necessary in view of the circumstances in which the Empire is carrying on, to control loans of foreign capital, because the Empire itself needs foreign capital first of all and must claim the right to reserve it for its own purposes at the expense of the requirements of other quarters, even of public bodies. That a supervision of this kind, which must, of course, include a right of approval in order not to constitute a complete embargo on foreign credit for private undertakings, follows from the fact that credit is often more readily available for prosperous private undertakings than for the State. The

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danger of the permeation of German economic life by foreign capital has been pointed out above. The restriction of the principle of economic freedom, shortly outlined here, serves an entirely national purpose and therewith falls within the functions of the State. The economic problem of the rehabilitation of private capital after its destruction by the war and the post-war period, the restoration and increase of the wealth of the nation is, as affecting the groundworks of the State, the task of the community, which the State cannot solve by interference but may by encouragement and protection. That our State and economic difficulties call for changes in the sense of betterments and for restrictions as well in many domains, is apparent to all interests concerned among which those of German industry do not rank least ; they must, however, be the outcome of this frank appreciation of the facts of the case to be effective and fruitful. These betterments are to-day usually sought in the direction of rationalization and the formation of Kartels. There is reason to apprehend dangers in this direction as well ; because if in the case of the former they lie in undue schedularization, in the case of the latter they lie in a tendency to exploit the Kartels on the lines of monopolies. It is at this point that the danger of an all too powerful trading organization within the State and the control of the market in the necessities of life, not by the State, but by private financiers, arises. As soon as the latter act in opposition to the common weal, the State cannot afford to tolerate them, and so trade itself, by overstraining its power, brings

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about the State interference which it otherwise justly resents.

Private monopolies are the forerunners of State monopolies, and they are not wholesome economic phenomena.

It would no doubt be possible to indicate a large number of other measures whereby savings in the national labour strength and the creation of national wealth might be effected, but it is not proposed to examine them now. The touchstone of their usefulness is whether they restrict enterprise and the incentive to work on the part of the individual and thereby cut the value of personality out of economic life. The expansion of State participation in economic life is tantamount to the ever growing domination of bureaucracy and the elimination of wholesome competition.

Trade postulates opportunities for personal gain ; it is the function of the State to guarantee them, not to take them away ; their restriction for purposes of its own is a difficult and unwelcome duty. The political situation of the Empire to-day necessitates extending these restrictions up to the extreme limit of safety, but this limit must not be overstepped ; that would mean ruining the future for the sake of the obligations of the present. The State on its part must keep its real or imaginary duties and functions within bounds. A condition of things under which the sum total of the citizen's thrift passes through the hands of the State to be re-distributed, must not be allowed to become permanent. The wealthy State



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with impoverished citizens is not the goal of economic  
evolution, but its reverse. The ensuing section will  
deal with these duties and functions the State cannot  
refuse to undertake.

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CHAPTER II  
SOCIAL PROBLEMS

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## CHAPTER II

### SOCIAL PROBLEMS

SOCIALISM has become one of the widely spread catchwords, dangerous because nearly every one means something else by the word, and consequently the differences of opinion, usually the outcome of different premises, that rage round it are as embittered as they are unfruitful.

It is not proposed to attempt to define the concept of Socialism anew here and to lay down general axioms, but only to examine one or two practical problems. In no domain of the State's duties is it so necessary to rid one's mind of all Utopias and to pursue common-sense objectives. It is not difficult to conjure up a vision of an ideal State, the functions of which are determined on what appear to be logical principles, but the State in which we are living is not a guinea-pig for vivisection by theorists and we cannot afford the luxury, less than ever nowadays, of reducing wrong tenets to absurdity for the instruction of their disciples. The State's services in the social field are certainly not a luxury, but it surely is manifest that a State, free in times of prosperous markets to expand its social services, must restrict them in times of

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distress. Even in the latter case there are services of undeniable importance which do not suffer suspension and have to be rendered, and there are others, too, which are profitable in themselves and lead the way to a betterment of the situation as a whole, but side by side with these there are proposals which on their merits are quite justified and whose realization is desirable but not absolutely necessary ; these have to submit to, at any rate, postponement. In the social domain, as in many others, the State calls for sacrifices to enable it to cope with its duties ; in this case it is the sacrifice of restraint.

From the interaction between mutable money markets and mutable State social services the danger of hidebound principles becomes manifest. It is true that we shall not be able to dispense with them altogether, and it therefore becomes necessary, after all, to lay down at any rate a few basic axioms in support of the ensuing contentions. The goal of the functions entrusted to the State is the highest possible well-being of the sum total of its citizens, not the equal well-being of all, which would be a Utopian, not a practical, postulate, or, expressed in other words, the consolidation and promotion of the Might of the State by the well-being of its members ; and in this connection the weal of the community is the primary consideration, Might is the consequence of it. The State needs this Might and the resources it represents to promote this weal in quarters where the individual cannot attain to it of his own strength. Hence the social duty of the State to aid and protect the weak,

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just as at one time the finest monarchic title was that of a "Roi de Gueux." That this assistance and protection can only be rendered at the expense of the stronger follows from the fact that the State, as such, has neither might nor means, but receives them in the first instance at the hands of its members. The postulate, therefore, still remains—and the appreciation of it is of paramount importance—that in the first instance the individual should endeavour to win his place in the community by his own efforts and that State aid should not intervene except subsequently and only in cases of need. Competition, the struggle for life, which Nature has laid down as a law, cannot and must not be eliminated from economic life, we need it to encourage efficiency; but it is the function of the State to confine this struggle within the bounds set by the weal of the community and to prevent the uneconomic oppression of the weak by the abuse of the superior strength of the stronger. This we regard as the principal function of the State in this domain, for the more successful it is in making promising and appropriate openings for self-help, favourable conditions of competition for its members, the fewer the claims that will be made on its direct aid. The real social problem is to render the latter redundant by raising the general level of well-being, brought about by the work of the citizens themselves. The citizen should not have to look to the State for his welfare nor demand it of the State, but the State lives on the welfare of the citizens; the State should not pay the citizen an income to meet his means of subsistence,

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but the citizen pays the State; the citizen does not, in an official capacity, administer the property of the State, but the State official safeguards the citizen's property. Not a charity State, not a State of pensioners, not a State of officials, but a State of citizens working in freedom!

We shall have to be clear in our own mind that with these postulates we are exposed to the danger of setting up ideals which may call for revision on being put to the test of practice; none the less it appears necessary to set out from this starting point so as to be sure of striking the right course. The course of economic development has resulted in the functions of protection and conciliation being to an ever-increasing extent entrusted to the State; which, from the ideal point of view, is undesirable but unavoidable. They include the services for those who have been ruled out, temporarily or permanently, by economic stress, but, as living members of the State, have a claim on it, such as the sick, the aged, those entirely or partially incapacitated from working, the temporarily unemployed, State protection against the abuse of labour, legislation regarding the hours of work, child labour and the like. The necessary social services, necessary both to its own material general interests as well as a moral obligation on the State, imply both the restriction of economic freedom in very varied domains and the necessity for imposing burdens upon industry which, borne by the strong, benefit the weak.

The difficulty lies not so much in the uncontested

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and incontestable principle of the service itself as in the measure and method of its application. In a two-fold direction, limits for these services are set : one is where the elimination of every kind of self-help begins. At the same time it raises an educational issue because the confidence in assured State aid is only too prone to paralyse the incentive to work, which is the key-stone for all social development, and therewith a man's sense of responsibility for himself, for his dependants, and for the State. It is therefore a wrong principle to relieve the, in any case, economically weaker, member entirely from contributing to social burdens and therewith to deprive him of all direct interest in the State as well. In cases where self-help is not enough, assistance from immediate neighbours, both the family and fellow-workers, ought in the first instance to intervene and then that of the immediate community. The greater the success attained in building up social service on the principle of mutual aid in case of emergency, the more does it lose the stigma of a State dole for the quality of social fellowship : the more closely the group is linked for the purposes of mutual aid, the more smoothly and more fairly will it be rendered, the earlier will it be feasible to transfer the collection of the burdens, their distribution and administration, to the parties immediately concerned. The proviso for this is that the means for collecting the necessary funds for social service be left in the hands of the individual and thereby of the group of fellow workmen, and be not claimed by the State for the purpose of administration and distribution.



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The second limit to State social service is determined by the capacity of the taxpayer to pay. This principle is frequently overlooked to-day by basing payment on the demand to pay, not on the capacity to pay. This overstepping of the border-line must very soon put a term to the ends desired by ruining the economic resources of the individual or the business, and thereby lead to the discontinuance of the resources which the State hitherto assumed it could exact from the economically stronger for the benefit of the weaker citizen. Since, after all, it is, in the long run, the spirit that creates value out of matter, whether it be the spirit of responsibility, the spirit of enterprise, of invention, of organization, the gift of command, or in whatsoever guise it may manifest itself, it must have and be allowed scope and elbow-room for its practice. If you rob it of this, you condemn it to extinction, to the loss of the State and of the community, both of which have a vital and direct interest in its practice.

These two limitations, imposed on State social service, differentiate it sharply from State Socialism. The latter phrase is, for our purpose, intended to connote the endeavour to place all economic resources, including capital and property, entirely under the custody of the State ; in other words, to establish the wealthier and all-powerful State with its citizens as dependents on it. This objective is being approached from two sides : the purely economic, in which case its advocates hope to arrive at the fairest distribution of the assets available and the best exploitation of labour strength as a whole ; and from the political

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side, which has a wrong conception of the State purpose and over-emphasizes its powers. Capital in the custody of the State will disappear, because the State can no doubt spend, but cannot create values ; property will not be administered profitably, because pride in property and in its prosperity will disappear ; the schedularized output will be compulsory and therefore grudging, and incapable of any increase of output above a perhaps constant, but low, average.

The State with a horde of employees rules only itself and atrophies in self-sufficient bureaucracy.

It is undoubtedly not a sound or desirable condition of affairs, from the State's point of view, for disproportionate differences in property to occur in its midst, and, to forestall this development from arising, or if it have arisen, to keep it within bounds, lies well within the function of the State which it can and must exercise without departing from the principle of the security of private property, which will have to be discussed elsewhere. It has the means to effect this by a socially fair, and at the same time economic, allocation of the necessary State burdens ; socially fair in so far as it places opportunity for greater working capacity within the reach of the weaker by lightening his burdens ; economic, by reason of the conviction that the destruction of a strong entity is not balanced by the creation and consolidation of numerous small entities, but is, as a general rule, accompanied by their concomitant destruction and injury.

The functions of the State on the social domain lead perforce to a certain measure of State Socialism

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if we regard it, not in the broader sense referred to above, but as the fulfilment of its duties ; but all roads that lead beyond the boundary lines, laid down above, should be kept under close observation. Movements of this kind include participation in trading enterprises, or their acquisition ; even subsidies to particular industries or other trading concerns must be temporary and confined to those particular cases in which a direct State interest is at stake. The intervention of the State in wage struggles, even if the right to intervene must be conceded in cases where State interests are in jeopardy, is dangerous. Wage disputes are in themselves natural and therefore phases of economic life which cannot be removed without endangering its health. If the State intervenes in fixing wages, it is only free to do so from the social point of view of protecting the weaker from being overridden roughshod ; in which case the employer should not always be regarded as the stronger, for he too has his claim to protection. As a matter of principle a social, not a political, scale of wages must be upheld and an award of the State should never be determined from a political point of view.

The awards of arbitrators appointed by the State frequently appear to lack apprehension of this principle.

Economic democracy ! The latest catchword in the clash of opinions, as always, the formulation of a half truth. True, if it means the vital participation of all conjoint working forces for the prosperity of the undertaking and their co-operation in the work ; if it means that every worker is entitled to claim his share

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in the yield in accordance with the value of his work ; but this participation in the yield does not mean a share in the profits only, but in the losses as well, not only a share of the authority, but of the responsibility as well. Wrong, if the value of the individual's work is not the deciding factor, but the number of workers ; wrong, if the masses believe that they are capable of assuming a responsibility which only the individual or the few are competent to undertake. Are the protagonists of State Socialism and economic democracy, the over-appraisers of mass labour as against direction by the spirit, always quite clear in their own minds that the road they aspire to take must lead to Bolshevism ? Undoubtedly not ; and the men who direct its destination believe they will be able to check the course of evolution at a stage convenient to themselves ; others only see the purposes of the day, and in doing so lose sight of the final destination of the road. Bolshevism in its Russian guise is far more than a social movement ; it is a religion ; it is a faith, with fanatical adherents ; it has no principles to be apprehended, only dogmas to be believed. Therein lies its danger, because the masses do not think, but believe.

It is the function of the State in the domain of social life to master the problem of guiding industry, within the laws of property that obtain at present and must be upheld, to freedom and at the same time to social justice, to organized economic freedom.



CHAPTER III  
ETHICAL PROBLEMS



### CHAPTER III

## ETHICAL PROBLEMS

THE relationship of the State to ethical questions is particularly difficult because, in this domain, its duty to act as comptroller on behalf of the community may clash with the initiative and the self-responsibility of the individual in a manner fraught with grave consequences. It is not proper to confine the part of the State until only the custodianship of the "ethical minimum" is entrusted to it, and it thereby becomes a policeman for the prevention of evil. The State has positive work to do in laying the sure foundations and creating the favourable atmosphere. The boundary lines between the two functions are fluid ; but perhaps it will lead to a clearer view if we allocate the practical results and concomitant phases of Kultur, in ever-increasing degree, to the exercise of State influence with the object of keeping it at greater distance from its actual evolution.

### *Religion*

The historical point of view is of very especial value in the case of religious problems, because it alone, in a matter that touches the individual's innermost life,



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is a safeguard against working on theories. It is only in this way that we can visualize the future evolution and the co-ordination of this great power in the life of the State and society, for it may be taken for granted that it is not proposed to discuss the worth of the several forms of religion as compared with one another.

In the first instance we must stress the distinction between Religion and the Church. If by Religion we mean the relationship of the individual to super-sensuous influences, there are as many religions as there are individuals and the scale of religious beliefs runs from conviction, rooted in tradition and confirmed by self-examination, study, and knowledge, to the vague, unconscious subordination to some extraneous influence. Out of this welter of individual religious sentiment, congregations of belief, determined by cohesion and assimilation, differing in accordance with date and locality, as is the case in all ethical problems, forgathered and held out the saving hand of dogma, in the widest sense of the word, to uncharted religious individualism. These dogmas, if they were to avail as a force for guidance and succour, had to shelter their spiritual import under the protection of coherent forms. Thus the Church came into being and entered the sphere of the State as an extraneous entity with a claim to power.

In classical times there was no occasion for deeply rooted opposition between State and Church because creeds and religious observances in the cities and states were uniform and accepted factors of life with which only extraneous religions, regarded as idolatrous and

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consequently as irreligious, could conflict. Hierarchy and the deification of rulers were institutions and no doubt gave rise to strife, but not to wars of religion. Political conquest brought change of religion with change of ruler in its train as a matter of course. Rome, in the fullness of its might as a State, could afford to absorb religions and cults with broad tolerance, and only intervened when religious movements threatened to disturb the public order of the State.

The Middle Ages found State and Church in alternating phases of equality and controversy, in the course of which the Church often had, or claimed to have, the upper hand ; their relationships often appeared to be those of an ecclesiastical State—in any case, not those of a State Church. This conception of a State Church and of a State religion, in the narrower sense of the word, only made its appearance with the decline of the dominating position of the Catholic Church, with the rise of Protestantism and, simultaneously, with the gradual formation of national States.

The increased religious interest and therewith the revolt against the bondage of inner convictions under dogma led to inter-State disputes and so to war, especially in Germany, where purely political ambitions joined hands with religious aspirations. The issue of these religious wars of liberation was that Religion itself, that is to say, individual conviction, even where it rid itself of the shackles of Roman dogma, fell into the bonds of the State in the shape of a State Church.

The State is Will and, in its manifestations, every will pursues purpose. If the Church becomes an

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integral part of the State, she, too, gives expression to the State will, which pursues a purpose through her mediation. But Religion as such, cannot accept this position ; it is a purpose in itself, not a means to an end (Zweckmittel). A tendency to exclusiveness is inherent in every State religion ; that means it calls upon the resources of State authority for the conservation and propagation of its authority over its members. That conflicts with the very nature (Wesen) of the State which is indeed concerned in the conservation of Religion, not of the Church. If tolerance towards members of other creeds were not one of the basic principles of our times, the State would still have to observe it for reasons of State interest which postulate that its purpose, to ensure the life, prosperity, security, and freedom of its citizens, be not frustrated by disturbances incompatible therewith. The freedom of conflict between religious convictions which the State assures has its bounds when this struggle leaves the purely religious sphere and disturbs public law and order.

The part of arbitrator and controller is of very especial importance in the Empire in view of the ecclesiastical grouping of its members. The long struggle between the two Christian creeds, never quite fought to a finish, is going on down to our own times, even if its manner is more seemly and remote from any tendency towards persecution. The conflict of religious views has, like all strifes of the spirit, an element of the ideal, but it is the business of the State to prevent, to an ever increasing degree, those antagonisms from reacting on political life.

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The attitude of the State towards Religion is in every respect positive, and in this connection it is necessary to call attention to the differentiation between Religion and the Church again. Religion is one of the strong ethical forces of a people ; to protect it and, where necessary, to encourage it, to give it free scope for development, is a duty of the State. To effect this even by material means is, in view of the present position and of historical development in Germany, legitimate and necessary, but at the same time we ought not to shut our eyes to the danger it involves. When the State with its resources, that means with those of the community, intervenes, it is difficult to repudiate a counterclaim ; in other words, it will be tempted to press the persons it has aided into service for its State purposes ; therewith we have the intervention of the State, and, inevitably, of politics to boot, in Religion, the establishment of a bureaucracy in a domain which should be antagonistic to the spirit of the latter, and therewith a step in the direction of a State religion. The State must resolutely waive aside the temptation to draw any such deductions from aid rendered, or to contend from the fact that because the minister of Religion is eating its bread he is under any obligation to sing its praises. No right accrues to the State from its assistance other than that due to it from all its citizens, the right to see to it that the stability of the State be not imperilled. It follows from this how far the State should keep its distance, not only from the inner, but from the external evolution of the Church.

Articles of belief are not State laws.

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When we talk about a Christian State to-day it can only be in the sense that we have grown up in the atmosphere of Christian ethics and that the overwhelming majority of the nation professes these ethics. Hence the State, as the outcome and mirror of its constituent parts, practises these ethics in its actions in the same way in which, because the majority of its citizens are German-minded (*deutschgesinnt*), it is a German national State. It does not follow that the Christian churches are State churches. The relationship of the State to the Church is entirely other than its attitude to Religion ; it is determined exclusively, so far as the State is concerned, by considerations of practical purpose. The Church and, more especially, the world-wide might of the Roman Catholic Church, are, as seen from the view-point of the State, political associations for the conservance and protection of individuals united under the same creed. As purely spiritual institutions they have the right to State protection for the liberty of their observances, like every other movement not inconsonant with State interests ; but because they develop activities which the State ethics recognize to be of service by propagating religious mindedness and are adapted, by reason of their institutions and influence, for co-operation with the State, they establish a claim for consideration and encouragement on the part of the State. The State will take existing might relationships, which have become historic, into account, if only because the religious needs of large numbers of its citizens call for such consideration and attention ; on the other

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hand, the State, in its relationships with the Church, will not lose sight of the responsibility incumbent on it as the embodiment, representative, and controller of all interests conjoined in it, of which the religious are part. Conflict between State and Church can be avoided only when their respective spheres of action and functions are clearly defined and either eschews interference in the other's sphere and both keep their common final purpose, the weal of the community, steadfastly in view.

This, in the case of both State and Church, lies on different planes ; in the case of both it is the supreme law.

### *Education, Scholarship, and School*

In man's education religion is only one of other forces ; the other forces call for equal attention and consideration. We are accustomed to sum up these aspirations and their results in the word "Kultur."

The attitude of the State towards these Kultur tasks is similar to, but not the same as, its attitude towards religion. If towards religion the State is rather the benevolent and helpful protector, a far more positive, and therefore perhaps a more difficult, task is imposed on it as regards Kultur. The Kultur standard of a nation is one of its distinctive hallmarks, its Kultur wealth is as much a national asset as its material wealth, so that the duty is incumbent on the State by its very nature (Wesen) to promote, to encourage and to protect "cultural" growth.

The primary functions of the State towards the

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development of any Kultur, the assurance of material security, the maintenance of law and order, provision of the necessary standard of general well-being, need for our purposes not be discussed here ; since, however, the Kultur standard of a nation is in the eyes of the State an end in itself, its encouragement calls for and justifies the employment of its Might and of its resources. But here lies the danger. State compulsion has very definite and restricted bounds in the case of all Kultur issues ; if it oversteps them, development suffers. A Minister of Education is only too often an anti-Kultur minister. It is a case, as we pointed out at the outset of these reflections, of the purely practical issues falling within the range of State intervention, whereas the spiritual elude it.

No one will question the State's right to require a minimum standard of scholastic education of its citizens, and in order to enforce it to have recourse to State compulsion ; in the same way one must hold it entitled to demand a certain educational standard, in its wider meaning, of its State servants. As against this right there naturally arises the duty, incumbent on the State, to create and maintain facilities for education and to employ the resources, accruing to it from the community, for this purpose. Hence these educational institutions, established by the State—State schools—ought, to the greatest possible extent, to be accessible to the community and, by rights, ought to be gratuitous. The citizen from whose imposts the State draws the means is, to a certain extent, paying twice over for the same thing if he disburses "school

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fees " in whatsoever shape or form. It is manifest that this postulate encounters financial difficulties, nor is there any intention of raising it as a problem of the day. And there is something else that complicates the issue, to wit, the generally accepted axiom that monetary contribution entails a right to have a word to say in its expenditure. That applies in the first instance to the State which, in the case of the purely State school, can claim unrestricted State control over it, while, on the other hand, by reason of indirect contributions to the cost of education, the contributor acquires a right to exercise some influence over the development of the institution. We ought not, in this case as in any other, to lose sight of historical evolution; this shows that a higher standard of scholarship is, as a general rule, interrelated with a higher standard of living. This interrelationship cannot be ruled out by theories; it is rather the function of State to temper, so far as is within its power, the hardships it implies. It is within its own interests to do so, and it is not only in accord with its social duties, but consonant with the eminently practical State purpose of raising Kultur to a higher level by the discovery and furtherance of talent. The State will, perhaps, one of these days succeed in discovering a genius; if it should then open up his path to the heights, it will have fulfilled its highest function in this domain.

Since, however, the State is instituted not in the interests of genius but of the average mentality, it will extend its rights and duties furthest in the direction of the elementary methods and institutes of education.



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The State cannot be denied the right of exercising a determining influence on the elementary school ; it is the bedrock of a nation's Kultur, for which the State assumes responsibility. It determines the character of this school ; without losing sight of the purpose of every educational establishment, a higher standard of Kultur, the school is that of a Christian State, that is to say, as we have endeavoured to demonstrate in the course of our discussion on Religion, in the religious, not the ecclesiastical, meaning of the word. How far the State can and desires to avail itself of the assistance of the Church toward the achievement of its task, must be reserved as matter for free negotiation without affecting the responsibility of the State for the Kultur standard of the school. In the same way the State as a German national state imprints the hallmark of the German genius (Deutschtum) on the school.

We must not, when considering this omnipotence of the State over the school, shut our eyes to its three great dangers. The first lies in the temptation of abusing the State's influence by bringing the pressure of party politics to bear. We are going to encounter this tendency frequently in the domain of Kultur, and we shall always have to deprecate it, although we do not propose to stress historical continuity into an obligation to conserve the mistakes of the past. In times of shaping a new political course there is always a tendency towards terrorization in the sphere of things of the spirit, and the greatest spiritual serfdom obtains under a flag of freedom ; we need not necessarily call the Soviet State to mind in this connection.

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Governments that feel strong are tolerant. Intolerance is a symptom of internal weakness or of a bad conscience. There are plenty of historical object-lessons for this assertion. Selfrespect and selfpreservation undoubtedly postulate that the State should protect itself against efforts directed against its stability ; but it is statesmanship to inquire whether the welfare of the State is not being confounded with the welfare of the party, nor the spirit with the substance.

The second danger appears to lie in a tendency towards uniformity and routine, the delight of bureaucracy. Without going into the question of federalism and centralization at this juncture, it is precisely in the domain of Kultur and educational issues that the utmost caution is desirable. It is here, if anywhere, that respect for history is indicated. Prussia's elementary school has for a long time, and justly, been held in high esteem, but to-day we must, after all, admit that the pre-conditions for schooling in the Masurian lake country and Württemberg differ, that a village school in Pomerania calls for other methods and, above all, any other type of teacher than a primary school in Berlin.

In the third place, a danger of the State monopoly, where the school is concerned, is the complete failure to appreciate the value of equal rights for the purposes of social conciliation. If the purpose the State has in view in its educational policy, the advancement of the general Kultur standard, can be obtained by an alternative other than State method, the State has no right to obstruct it, but is in duty bound to further it. Its

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right of supervision to ensure that the Kultur minimum required is attained by means of this non-State system is not contested, nor its right to decide whether the standard so acquired is adequate or inadequate for the appointments at its disposal. Yet another duty devolves, by virtue of this suffrance on the State, comparable to its right in the domain of public health, and that is to satisfy itself that the greatest asset of the State, the spiritual health of its youth, is not being rackrented under some specious pseudonym or other ; there is no room for experiments by cranks.

Let us revert once more to the distinction between the State's technical Kultur functions which, to use a popular expression, we may call its "civilizing" functions, and its purely spiritual Kultur aspect. Among the former we may include, to take only one out of many by way of illustration, means of communication, the development of which is a duty of the State and, at the same time, an achievement of the spirit and therefore of Kultur ; but the function of the State is confined not to the domain of direct usefulness only, it extends to the duty of encouraging the "civilizing" tendency, and therewith the welfare of the community, by means of its resources. It includes the many schools which do not subserve intellectual attainments, but practical purposes in the domain of agriculture, industry, craftsmanship, shipping, as well as model works and conference centres, without having thereby exhausted the range of the State's "civilizing" activities.

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If we now hark back to the Kultur functions of the State in their more restricted sense, we shall have to note that the higher we climb the Kultur scale, the greater the self-renunciation on the part of the State must become. Higher educational methods have developed on such individual lines, and therefore so generously, that all red tape interference must be mischievous. It, too, is exposed to the three dangers referred to above, to a certain extent in increased measure as, for example, in the case of more adolescent youth, the distinction between instruction in civics and ill-timed propaganda of party politics is of special importance. Another danger supervenes. With all respect for the need to prepare for life by way of the school, the fact that schooling has, in the first instance, a Kultur and, only in the second place, a practical purpose, is frequently overlooked or denied. That, and along with it a bias against tradition, leads to a movement against the school of the humaner letters, the disappearance of which would be tantamount to spiritual impoverishment. To enlarge on its imperishable values here would be tempting, but would take us too far afield. The State will not constrain any citizen to make his son take the way of the humaner letters, but it might well hold its protective hand over this asset of Kultur.

To an enhanced degree is this duty of renunciation incumbent on the State as towards the main strongholds of Kultur, the Universities. Its business is to establish and to maintain them, and it must then leave them to their work and to work out their own evolu-

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tion. The old universities are racy, of the soil, and every one of them has its own vital conditions founded on its origin and history. That in itself is eloquent of assured selfadministration and selfgovernment and against red tape interference. This independence ought to be extended, not only to the academies as established institutions, but to the undergraduates voluntarily enrolled here. The German student class has its history and its merits, the part it has played in the making, the conservation, and the development of the Empire by training the majority of its servants, by its promotion of Kultur standards and of public spirit (*nationaler Gedanken*), so that they are in no need of State guidance. All the spiritual currents of the nation, the political included, will be reflected in the universities; that is wholesome and needed because they must remain intimately interlinked with the community. The State should be on its guard not to interfere by way of setting a course and thereby making the educational strongholds, dedicated to Kultur, fall into line with the State's means to its end; the duty incumbent on it is to keep the course clear for evolution that works out its own course. It is only by this method that the State will benefit by contributions to Kultur (*Kulturleistungen*) from its members, who represent a part of its being. The strongest plea in favour of the freedom of academic life is the interrelation of instruction and research obtaining there, and here we pass on from education to pure science.

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### *Science and Art*

Pure science withdraws entirely beyond the range of State influence. More than anywhere else the State, in its attitude towards science, has to content itself with furnishing its temporal environment ; because as an ephemeral phenomenon it can take no active part in the supertemporal growth of science which, international indeed, scorns the local frontiers of the State. The duty of the State is purely ideal ; the fruits of its encouragement do not ripen on the soil of direct State interests, nor do they benefit these interests only, but those of humanity as a whole. None the less the encouragement of pure science is a duty of the nation and of the State ; none the less, we talk of German science because only in the safe, tended, and sheltered garden of its native soil does the tree whose fruits will subsequently belong to the world, thrive best.

No doubt the State may derive direct practical benefit from the work of science ; it furnishes the sure foundations for almost all progress tending towards civilization ; but these results have nothing to do with the spirit (*Wesen*) of science, that labours, not for the sake of results, but for its own sake. The expenditure of the material resources of the community for the advancement of science might, to a certain extent, appear in the light of a luxury on the part of the State which, after all, is only entitled to spend these resources for the promotion of the common weal. Let us admit that other more urgent needs are, from its very nature, the State's more immediate concern, and that "you

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first of all have got to live and philosophize afterwards." But let us remember, as an object-lesson of the conception of the State's functions, that Prussia founded the University of Berlin in the days of her deepest political depression. The Empire in its position to-day will have to follow this example, and, as far as its resources will allow, to promote the advancement of German spiritual might in a sphere where no ties can bind it.

Art, too, is in its essence entirely remote from the concept of a State aiming at one sole goal, but, in virtue of its worth as an asset of Kultur, it, like science, claims the right to encouragement. More earth-bound than the science, it is in touch with the cross-currents of the times and becomes the mirror of these forces. The several forms of Art are susceptible to their influences in varying degree. If Music is perhaps still the most aloof from the currents of the times, the graphic arts, literature and the theatre, are exposed to them in growing measure until they may become political weapons. There is no need to elaborate how strong the influence of the external ruling forces has been on the development of Art, how it owes the periods of its fairest flower directly to the latter. On the other hand, churches, monarchies and republics have directly enlisted the services of Art for their ends. Churches, from whose walls saints are looking down while music throbs through them, were designed to enhance the religious sense; palaces of imposing façades without and furnished with works of art within, were designed to display the might of the rulers.

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How far this ecclesiastical or mundane Will influenced Art, how far Art, evolving within itself, offered its services to the might of the State for the latter's purposes would be an interesting study. It is enough to note here that the great periods of all art probably owed the conditions for their favourable development to the State, that they received commissions consonant with the ruling will, but that the execution itself was left to the free choice of the artist. Rarely, perhaps never, has the connection between State and Art been closer than in Italy of the Renaissance. Is it that the State's secure consciousness of might gives spiritual and artistic inspiration full scope for development? Or is it that the interharmony attunes all emotions of the outer and inner life into a single echoing pæan? People ought not to talk contemptuously of "courtly art"; among "Court painters" of the most diverse periods there are many who can well afford to challenge the painters of our uncourtly days in craftsmanship and perhaps, some day, in fame. They too had their detractors and their pupils who "outgrew them." It is as well to remember that Art has an illegitimate sister, Fashion, and that the fate of works of art is akin to that of old furniture. One generation admires these things, its successor relegates them to the lumber room, until a third collects them again, reveres them as historic heirlooms—or sells them at a good price. Take your time—get things into perspective—a little more reverence and a little less selfconsciousness! It is easy enough to scoff at the past regime, but it is worth



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while inquiring whether that obtaining at present is really doing so very much better. All this has really nothing to do with politics, and yet it would appear that a political must needs involve an artistic revolution. A man, fulminating about the outrages on taste and art in the past, ought to reflect whether we are not likely to be far more outraged to-day. Dictatorship in matters of art is distasteful; the question, however, is whether in these matters the dictatorship of a sovereign, who after all is still capable of being influenced, is not more tolerable than that of a head of a Government department who is quite sure to be beyond the reach of enlightenment.

“Clear the course for efficiency,” by all means; but for inefficiency as well. The grain will, of itself, sort itself from the chaff, but the State ought not to be wielding the sieve. It still has plenty of rights left and should set itself the example of the Republic of Florence, where the State gave a Michaelangelo his commissions and the best brains of Italy forgathered in its Academy. Art to-day will still accept worthy commissions gratefully, and gratefully will it welcome Art schools and academies if both are smoothing the way to free development.

The word is too mighty a weapon to be left in the scabbard amid the clash of spirits; thus literature is directly drawn into the conflicts of its generation and its day. Not even poetry keeps aloof from the battle, war and battle poems are among its gems and the political song is not always an ugly one. The hymns of the Reformation won more adherents for it than

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the new sermons. Apart from political pamphlets proper, which often quite fulfil the postulates of a work of art, the prevailing political tendencies of the moment find expression in the literary output, alongside of reading matter, for entertainment pure and simple. Most of all, of course, in the case of the Press, so far as it can rank with literature proper. The State will not be able to avoid having its interests represented in the Press, best of all by way of exposition and instruction. Otherwise it ought to keep out of the literary arena and, in no case, set up a State-privileged literature. Court poets, in contra-distinction to Court painters, have rarely purveyed Art, and we are not likely to fare better with Government poets.

The attitude of the State towards literature appears to be simple enough in principle, but is in practice difficult. Intervention by the power of the State is indicated where public order and security are threatened. The whole formation of the State and the instinct of selfpreservation, as embodied in legislation, demand it. Law discountenances all attacks on the State, so that special enactments against literature and the Press should prove superfluous. That the application of the law, that is to say, the definition of the concept of law and order, security and menace, remains exposed to human weakness cannot be helped. The manner of their application is a question of statecraft.

Just a word about censorship here, by way of parenthesis ! In all matters, affecting Kultur and Art more especially, it is a most distasteful thing. Plenty of

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laughter and wrath have been outpoured on the police constable as art critic, but a censorship board of alleged experts does not appear to be a happier alternative. It surely is quite inevitable that every one of the arbitrators of art and morals will introduce his taste, his bias, and his prepossessions, and his political colouring as well. What is an offence in the eyes of one man is only folly in another's ; and a revelation to the third. These gentlemen or ladies are not experts on the interests of the State which alone permit and call for intervention. One really might think that of all the many enactments in the penal code one would be found applicable for the State's protection ; if not, then the law should be amended, for this protection of the State in all its functions, including therefore its ethical duties, is the sole purpose of law.

The foregoing observations apply with equal force to the theatre, including its latest excrescence the film. The progress of the political exploitation of the stage from the " Marriage of Figaro " to " Potemkin " need only be indicated. No one can have any objection to the contrasts of political and social life furnishing matter for the stage, not even when they take the form of satire and caricature. One could only wish that they were artistic as well, a consideration that is more a matter for public taste than for the State. In the effect a play produces, the crucial point will surely be whether it is good or bad, and the bad plays, or those that only aspire to pander to the sensation of the moment, are wont, even without being hustled, to pass into well-earned oblivion. To limbo too lapse

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theatrical experiments that behave all too grotesquely and drape themselves in the fashionable cloak of liberty beneath which leers only a craving to "épater le bourgeois."

The value the stage, together with music, has for the Kultur life of the people justifies the State in encouraging it. State and municipal subsidies of orchestras and theatres, and State theatres proper, bear this out, not without coming very near the border line of luxury in so doing. But the political purpose of the "circenses" may pass muster to justify State luxury of this kind if there is a really ample supply of "panis" in stock. State theatres have their grave dangers; the first, owing to the fact that they are boresome or officially "the thing" (repräsentativ), they are very expensive; further, it is undesirable, but quite possible, that in the appointment of their managers stress may be laid on political partisanship, which surely is not necessarily coincident with artistic qualifications; and, finally, there is the danger that a board of management seated in some Ministry or other may direct dramatic art as a whole, assuredly not to its best advantage. The brilliant development that German stagecraft has displayed, despite all outside ups and downs, more especially in spectacular art, during the past few decades relieves the State, in fact, of the duty of maintaining a national theatre which has long ceased to be a model stage.

We shall have to concede an exception in the case of Opera, for my lady Music is too exigeante a dame, and so very dear a friend that her cost of subsistence

THE FUTURE OF THE GERMAN EMPIRE exceeds private means, and she is not cast for the part of "the efficient milch-cow that keeps us in butter." A State opera is, too, less exposed to the general dangers of theatrical management by the State. To conduct opera you have to be an artist; a man who would cross-question you about your political views would be just as ridiculous as another interfering from an administrative office with your methods of conducting.

Party partisanships and feuds, including those of the Press, introduce quite enough wire pulling, pother, and obstruction for the State to steer clear of them.

### *Humanitarian Institutions*

Let us now turn from the functions of the State, incumbent on it in the domain of Kultur, to those attaching to it as the roof tree of national civilization. The boundary lines between the two domains are not sharply defined, and it is no less difficult to differentiate them from the social services proper.

Let us preface our remarks by saying that in the sphere of humanitarian effort, more especially, personal initiative should be welcomed without bureaucratic narrow-mindedness. It is easy in this connection to point to other wealthier countries or of older, more humanitarian Kultur, such as England and America, in the Empire, too, wealthy individual capitalists and associations have, in happier times, not been niggard with donations and endowments—names and coats of arms still record charitable works of this kind to-day—but we cannot shut our eyes to the fact that the

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more economic evolution debars the accumulation of moneys in the hands of individuals, the more social service of the State must take its place. For practical purposes better results may be achieved by these means ; but whether, from the ethical point of view, this supersession of the humanitarian sense of duty on the part of the well-to-do by robbing him, by means of the State, of the funds earmarked for giving it effect is to be deplored and, in the long run mischievous, is still a matter for serious consideration. People are fond of labelling private benefactions (*Leistungen*) of this kind with the deprecatory catch-word of "alms" and of forgetting that, with their removal or elimination, mercy and loving-kindness will be pronounced redundant and obsolete. Even the man who looks upon the State as fulfilled with the Christian spirit will have some hesitation in accepting this view and regard this exclusively State social service as a trifle chilly.

Let us take a few of the State's humanitarian duties for examination and, first and foremost, the promotion of public health. With some pride the State can plume itself on having taken over, not only the historic mission of the Church and of its clerical and knightly Orders, and of having carried it on with its ample resources, but also of having incorporated the ecclesiastical resources and institutions in itself. The promotion of public health is so exclusively a right of the State that quite definite and clearly defined legal enactments not only intervene in the liberty of the citizen but call for a close supervision over all the

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institutions, subserving the purpose of public health as well. Here we have a meeting of the waters where education and science are tributaries to the direct sovereignty of the State and must subserve it. The practice of medical science is subject to State control and license ; in the interests of the common weal, the State, even at the expense of individual liberty will, in accord with the means entrusted to it, give effect to the necessary measures which science, on the basis of free research, places at its disposal.

We should perhaps do better to begin with the service for the hale than with that for the sick. The scope for the State's social service is, in this respect, great, and ranges over water-supply and drainage works, over town, street and dwelling planning, over manifold factory regulations, over school hygiene and hundreds of kindred matters. One is worth considering more closely here, physical exercise—"sports," as we still continue to call it. It has become very fashionable in the New Empire, and the towns more especially, in their municipal capacity, vie with one another in furnishing facilities for sport of every kind, so much so that it might cause the detached observer to wonder whether other public duties were not more urgent, if the authorities really cannot bring themselves to leave the money in the taxpayer's pocket.

In the case of the towns, aspirations quite other than those of public health are frequently the incentive ; increase of the tourist traffic, revenues from all kinds of impost sources ; in short, fiscal motives, for it is difficult to see what a boxing championship, a

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tennis tournament, or a football match has to do with public health, less difficult than with public entertainment. If business of this kind is profitable it should be left to private enterprise, which is sure to offer its services ; if not, it appears open to doubt whether the expenditure of public moneys can be justified.

Apart from aping of foreign customs, the sport movement that set in after the war is stimulated, though the majority of its adherents are unconscious of the fact, by the feeling that some substitute had to be found for the discontinuance of military physical training. In many quarters a conscious objection to the military training of other days and the resolve to replace it by something better, because freer, supervened. Both motives, the former due to a right, the other to a wrong conception, lead to the same eminently desirable goal. The sport movement is wholesome and inspiring, well worthy of State support in the interests of public health, but for this purpose only. The improvement or conservation of the health of the community is the objective of sound national sport and the sport of horse-racing is quite rightly included because it subserves the interests of agriculture.

The purpose of service to the State is the widest possible expansion of physical exercises or, to put it in sporting language, the attainment of the best possible team record. Experience has taught us that competitions, in other words, aspirations for a higher standard of individual performance which leads on to championship records, are necessary. From the point



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of view of the community, these championships are not an end in themselves. This sets the boundary lines within which the promotion of sport by public funds is legitimate.

Whether the Empire is, under present conditions, in a position to find funds for competition with wealthier nations in the field of sport, appears to be open to doubt ; but that we are living in times of wholly exaggerated prestige and honours attaching to individual championship performances is indubitable.

### *The Administration of Justice*

We are living, according to the broadcast of a political catchword, in a crisis of want of confidence in our judicial system.

This assertion is based on misunderstanding and reveals the lack of historical thinking, very general nowadays, because it assigns a part to the judicial system which it never had, has not, and never will have. Within the country there is only State justice ; outside of it only Might. Code, law, and justice are derived from Might and are created by it.

Immanent Justice, raised above might, time, and the State, is a Utopian conceit. The Baroque representation of Justice as a woman with bandaged eyes, with scales and sword, is wonderfully significant and correct, but not in the sense intended ; she does not see what she is weighing, even if a pulsing human heart is in one scale and a legal enactment in the other, and she cannot tell where the sword—it need not necessarily be that of the executioner—is going to fall.

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Written law is the law of yesterday, the summary of views held at the time it was drafted, framed to meet the needs of the form of State and society prevailing at that date, which can only be derived from the experience of the past. It would call for the gifts of a seer, not to frame a law, but to lay one down no less valid for the future. What is the good of framing a law of yesterday when everything depends on finding out the law of to-morrow? What has become of the supersensuousness of Justice when law in this country is administered on the principles of the Emperor Justinian, and a few hundred miles farther East the law of a Communist State obtains?

All this should be taken as said for the purpose of toning the complaint of a momentary uncertainty on the part of the law down to its proper proportions.

The living judge is pledged to administer justice from a dead letter. In our times of the remoulding of political conceptions and forms, it is quite natural that the administration of justice should reflect this tendency; that one judge should regard the same statement of facts as a crime against the State and another as a venial offence. We can dispense with quoting examples which the law reports of the newspapers furnish us every day; and in this sense we are undoubtedly living in a juridical crisis, but who would care to deny that we are living through a State crisis as well?

A State, whose inner structure inspires the bulk of its thinking citizens with confidence and content, will find a judicial system in which these citizens feel con-

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fidence. The State that believes in its own stability and future, is able to cast legislation and law into moulds that are the outcome of this confidence, with the prospect that, for a certain span of time, their validity will not be contested. If it succeeds, well cast formulæ of this type may acquire the force that fashions law and, by their educational influence, promote the well ordering of the State. Law only has this force as long as it is in being, that is to say, is in accord with the thought and life of the people and is strong enough to rise superior to the inevitable human errors and miscarriages of justice. As long as the State holds the law, emanating from itself, to be valid, it subordinates itself to this law and enforces its observance on every one.

It is statecraft to apprehend the time when State interests, which are, after all, the interests of the community, call for change and then to effect that change. It is weakness to allow the State to suffer hurt out of a sham regard for a law that has ceased to be to the State's interests. *Salus rei publicæ summa lex.*

There is a responsibility incumbent on the State that cannot play hide-and-seek behind legal formulæ.

The methods whereby codes are evolved to-day, condone sceptical reflections. We have just seen that legislation calls for the gifts of a seer. This quality is assuredly rare in the case of the individual legislator, but you will seek for it in vain in a Parliamentary Commission. If it should raise its head there, it will most certainly be outvoted. Laws and codes in this country to-day are framed amid the feuds of political

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parties and only contrive to be formulated at all by virtue of compromise. Hence they lose unity and definiteness, and therewith the strength to mould the course of law and to project its influence into the future. At the back of every code there must be a clear-cut State will, embodied in a personality, whose mission is legislation and who chooses assistants and collaborators devoted to itself. That is how Roman law, the Prussian code, the Code Napoléon were evolved. Our times appear to be quite particularly ill-suited for casting basic legal moulds, because it is hardly desirable that a code of law, designed to be effective for some considerable length of time, should reflect the partisanship and the vacillation of the State conception of our day. Perhaps it would be well, following the English example, to practise thrift, even in the way of legislation, for a term. That the political revolution has brought about an uncertainty in the administration of justice is incontestable and, perhaps, inevitable. The reason for that is not only the influence of the judge's political colouring on the exercise of his office—to deny or delete it is equally impossible—nor the influence exercised by dominant party government on the administration of justice, but this vacillation manifests itself too in the frequent enactments of amnesties and acts of grace, which are in fact the only way of redressing the acts of injustice perpetrated under political pressure, though this method is itself subject to the very same pressure.

It manifests itself in the enactments of emergency measures which jeopardize the continuity of jurisdic-

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tion just as they threaten equality in the eyes of the law ; it manifests itself finally in the non-application of legally valid penalties. Vacillations of this nature, however, appear to be preferable to an ill-timed and incoherent re-codification of the law. None the less, every emergency measure should constantly be reviewed, not with the object of ascertaining whether it should be prolonged, but whether it can be repealed. The State needs the opportunity of enacting emergency measures and of imposing emergency penalties, but both must remain exceptional and should not be allowed to become veiled permanent institutions.

Exceptional " State security " laws are a symptom of State weakness ; for the purpose of all laws is the protection of the State in all its aspects and all its functions.

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*Empire Unity*

THE question how and by what means the State is to solve the problems confronting it, in other words, how it is ruled and itself rules, cannot be answered by theoretic disquisition and schemes, but can only look for its answer from the study of history.

There are, no doubt, general principles for the form of State administration, but none of them is absolute, that is to say, valid and applicable at all times and among all peoples. An apparatus of Government, built up on theories, often of foreign source, and based more often still on philosophic concepts rather than on the teachings of history, acts like a strait waistcoat on the living body of a nation. The form of State administration should be in conformity with the goal in view. If the latter is—to summarize it in a sentence—the promotion of the weal of the individual and of the community, a further duty supervenes as urgent, the conservation of the Empire. That the Empire has been conserved after all that has happened, conserved until to-day, is little short of a miracle that can only be explained by history, but at



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the same time it conveys the warning to take heed, since one cannot count on a repetition of miracles, lest this Empire be not "governed to shreds" at present and in the future. Germany moves along the road to State unity more slowly than many of its neighbours. C. F. Meyer puts that in the mouth of his Hutten in the words: "While others are wilting away we are growing up into a State." But four hundred years after Hutten's death we are still busily engaged in growing up, even if in the interval we have made good progress on the road to State unity.

If you look back over this period you see at first almost only discrepant tendencies and events; perpetual wars of Germans against Germans, alliances with foreign countries, separatist State and dynastic policies, the scaling away of the most ancient parts of the Empire—and yet the bond of Empire is strong enough to hold the residue together; even when it appears entirely disrupted it still links up, more loosely at times, more closely at others. Though the might of the central Government declines more and more, yet German States are fashioned out of it; the number of them decreases whereas the importance and expansion of the most vital of them continue to grow. The development is slow but unchecked until outside events advance it abruptly. The Empire fails to withstand the blows of Napoleon; the old formation collapses but unity is, at the same time, advanced by a big and very violent step in 1803 owing to the mediatization of the majority of the petty States and their incorporation into the bigger and more promising

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ones. We appreciate in this political, to some extent arbitrary, settlement a perfectly organic evolution, the sub-division of the German States into three categories: into the big, vital States which have a future and attract the smaller statelets as a matter of course; into the intermediate States which, by adhesion and aggregation, appear to be important enough to justify their existence even down to to-day; and the great majority of moribund dwarf States, destined to be absorbed by the big. The years 1815 and 1866 led, more by violence than organically, but along the same lines, towards unity. The year 1871 failed to follow these lines, because the new Empire was a dynastic federation; but the several States, with the object of strengthening the central power, sacrificed a good deal of State sovereignty; so the Empire less in outward formation than in intent, made a big advance towards the German State. In these concessions to the Empire, although changed in form and application, we again trace the sub-division into the three categories, the first of which stands for Prussia, by virtue of its presidential precedence (*Präsidialmacht*), while the second retains wider rights of sovereignty than the third category.

We appreciate how wise this organization was from the fact that, in essentials, it survived the revolution of 1918 and salvaged the Empire for us. In this light one can understand that the Constitution of Weimar did not care to come to grips with the problem of the autonomous States, although there had been such a clean sweep of dynasties that the opportunity was

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favourable for advancing along the road of historical and organic evolution and for incorporating the small States, which obviously do not justify their existence, into the vital States.

If this hesitation to tamper with Bismarck's storm-proven structure was intelligible enough, the incompetence that failed to advance its organic development along its builder's lines was more patent still. The upshot was a constitutional remodelling, itself the outcome of pallid theory, vague and fumbling efforts towards the unit State and, above all, hatred of Prussia. To smash Prussia, to split it up into its component parts, did not look well if you allowed Lippe and Lübeck to continue in being as members of the Empire, so they, at any rate, despoiled it of the hegemony within the Empire pertaining to it historically, logically, and even according to democratic right. The course adopted to ensure unity was as wrong as it possibly could be ; instead of continuing to advance along the road of the absorption of the small States, they tried to strangle the strongest and most efficient. The result is, after ten years, in the course of which Prussia has given undeniable evidence of her vitality, that the question of " Prussia and the Empire " has become the most burning issue in our constitutional life. It is being discussed enough but, unfortunately, as a general rule, without any appreciation for the historical continuity of destiny, for not sentimental, but common-sense regard for what has been and for what will be ; so that there are people who even go to the length of repudiating the name of Prussia, as if

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the new Empire had reason to be ashamed of it. From their study tables they dare to prescribe its "German mission" to the State of Frederick the Great and to incubate the catchword of Prussia "dissolving in the Empire"; they even want historic Prussian provinces to revert to the status of "countries" without giving them State sovereignty, just as an urban council might change the name of a street. Prussia, greatly abused, greatly feared, and greatly admired, is a structure quite peculiar to itself; it is, by virtue of its rise and character, the State of German genius (Art), the model of the State in itself. Not constructed on alien models, never having shed a closely knit tribal community, but created by, and developed from the State idea itself, Prussia attaches organically all particles within the range of its magic power of attraction to itself without destroying their characteristics, but by making them subserve the weal of the realm, that stiffened the rich, but soft and versatile German Kultur life by the strictness of its sense of duty; the only German State that knew how to acquire new territory for the German genius (Deutschum), the social state in its truest sense, because, if it inexorably demanded the devotion of the individual to the State, it was at all times prepared to place the might of the State at the service of the people.

A State of this calibre cannot at all times appeal to every one's sympathies, as indeed to endeavour to do so, is not the business of the State; but it has every right, not only to stability, but to enlargement and hegemony within the Empire.

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The road of progress to State simplification will never lead by way of shattering the state of Prussia, but must, if it is to be essayed without danger to the Empire's stability, follow the guiding lines of history. As the times are past when, together with others, an act of violence like that of the incorporation of petty territories by the larger would be tolerated, the future course of evolution must be quiet, but purposeful. We hark back again to the triple division of the several States ; Prussia, that has given proof, not only of having justified its existence but of its promise for the future, may and must gradually absorb and incorporate the small States that come within its geographical and political orbit ; it can do this without effort or sacrifice of its national character ; it must do so, because it is within the scope of its historical mission and subserves the weal of the Empire. The second group is made up of the German States, which, by virtue of their area and State formation, have claims to a separate State entity within the framework of the Empire ; the third, made up of the petty States whose continued conservation is neither in their own nor in the Empire's interests but, as historical keepsakes, only constitute a luxury we cannot afford nowadays. The goal set before this development is distant, and we can only approach it step by step ; to quicken and to facilitate it is the task of statesmanship. The assumptions for this re-shaping are variable and the method itself must be adapted to meet the goal in view, rather than to form and date. It strikes us as an impossibility to force a new schedule of States, the

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invention of political doctrinaires on the Empire by way of Parliamentary force majeure. Attempts of this nature are calculated to achieve the contrary—and, instead of tightening, to loosen or to break the bonds of unity. We should, on the contrary, endeavour to continue to develop Bismarck's work in the spirit of the times ; that means by holding fast to the federal basic principles of the Empire wherever they are still vital, but to drop its formulæ where they have outlived their usefulness in favour of making them progressively simpler and stronger.

This should not be read as a proposal to change the constitution of the Empire in order to accelerate this development nor to re-casting the Empire's machinery. It should not prove a very difficult task to achieve either object, if the goal be kept in view ; the need for, and the advantages of, simplification are clear. The proviso is that we do not advance along the lines of theories but follow the course of development so that the reforms take the actual conditions into account. The greater the portion of the Empire fused into the firm Prussian State union, the nearer shall we draw to the goal of unity and the less anxiously shall we be free to concede to the other States any convenient independence without endangering the unity desired.

### *Federalism and Particularism*

The federal character of the Empire is in accord, not only with its historical development, but, quite as much, with the principle of the maximum exploita-

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tion of all the forces it represents for the common weal. If we draw nearer the goal by way of a Great Power status, we have got to take that course, as also that of the State independence of the members of the Empire wherever the latter appears to be the better. Sound federalism postulates that only those things be rendered to the Empire that are the Empire's, but these wholly and ungrudgingly, and that everything not absolutely essential to Empire unity be left to the several States. Opinions may differ as to the delimitation, but the minimum of friction will ensue if as many as possible of the particularist wishes of the weaker party, in this case the several States, are respected, whereas it gives rise to discontent and quarrels if the members conceive the impression that the Empire is straining for the extension of its authority beyond the boundary lines agreed. The Empire should, provided its incontestable rights and needs are not affected, transfer, not grudgingly but willingly, as many duties and responsibilities as possible to the individual State and allow it to savour the joys and sorrows of its independence to the full. The right thing is for the State to come to the Empire with the request: Relieve me of this, that, or the other burden; not for the Empire to say to the State: Render to me this, that or the other thing to which you are attached. *Volenti non fit injuria*.

Idiosyncrasies should therefore, even though they are of themselves not even justified, be treated with tenderness even though the map may for this reason be a little more variegated in colour and lacking in

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the uniformity dear to the bureaucrat and the doctrinaire. In the domain of Kultur more especially, customs that have become dear ought to be taken into account, even if a unit State does not necessarily mean the suppression of characteristic Kultur, as the example of Prussia shows. It did not force the same red tape measures on East Prussia as on the Rhineland, but allowed both to develop within the framework of the State to their best advantage. The question is, however, more a matter of selfadministration than of federalism.

Of far more incisive importance is the financial issue. Without wishing to advocate turning the wheel of evolution backwards, a whispered reminder that Bismarck's scheme provided for the Matrikular <sup>1</sup> quotas of the States to the Empire may be timely. After they had killed this scheme with the catchword "The Empire must not become the hanger-on of the individual State," they adopted, with a lightheartedness, characteristic of the temper of the times and of the personalities then in power, a centralization that

<sup>1</sup> Matrikularbeiträge: the quota contributed by the several federal States to cover the deficit on the budget of the Empire, so far as it is not covered by direct revenue such as customs, indirect taxation, postal surplus, etc. The quota to be levied on every State, determined by the number of its inhabitants, is presented in the estimates, and has to be passed by the Federal Council and the Reichstag. Taken over from the old North German League, they were adopted by the Reich as temporary stopgaps pending the introduction of an Imperial system of taxation. Accounts with the several countries appear to have become so complicated by 1879 that it was found more convenient to retain the quota system.—*Translator's Note.*



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set up on the dungeon keeps <sup>1</sup> of the finance offices in the cities of the Empire, not precisely a measure calculated to make the Empire popular. That the solution adopted was not an altogether happy one, seems to be apparent to-day. In any case the municipalities are to-day the perennially discontented hangers-on of the Empire and, quite naturally, disburse the pocket money allowed them by their big brother with a far more lavish hand than they would do if they had to raise the money for themselves. The mistake lies in the fact that they transferred a fiscal system, adapted only for an entirely self-contained unit State without having either the power or the desire to make it a unit State. It is easy to make mistakes and difficult to correct them, but it is a mistake to persist along a road admitted to be wrong only because courage fails to seek a new one.

The answer to the question which we summarize under the headline "Empire and Countries" is of signal importance for the future. We have been able to trace the growth of the unifying force of the Empire idea on the lines of historical evolution, but Empire unity is, even to-day, not undisputed or taken for granted, either in foreign or in home affairs. Anxiety on its account is in the forefront of all reflections on future developments.

As regards foreign affairs, there definitely must not be any rift, however small, in unity, not even apparently. Memories of the German past and very varied,

<sup>1</sup> Zwinguri: the allusion, familiar to readers of "Wilhelm Tell," is to the strongholds built by the Austrians in the several Swiss cantons to keep the clansmen down.—*Translator's Note.*

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but still active, cross-currents and tendencies compel us to insist on this anxiously ; they are elements of weakness, and weakness makes for anxiety. It is certain that efforts will be made from without to exploit any weakness of this kind, to widen any rift in unity. Consequently, all rights and duties arising, or that may arise, out of external relationships are entirely and solely within the competence of the Empire. That applies mainly to the conduct of foreign affairs in all its aspects, that is to say, beyond purely departmental business, and includes above all, the might resources of the Empire, the Defence force. The federal basis of the Empire must leave no doubt but that the unity of the Empire stands behind its foreign policy. As soon as there is room for doubt, federalism becomes harmful. But to enable the realm to stand together like one man against the outside world, calls for internal freedom and, by reason of this internal freedom at home, the willing co-operation of all its members.

We therefore look for the healthy development of the Empire structure along the following lines : unconditional maintenance of Empire unity as towards the outside world ; further development of Prussia in accordance with its historical and natural mission ; influence of Prussia on Empire policy corresponding to the importance of its mission and putting an end to all friction between the Empire and Prussia ; gradual incorporation of the smaller individual States that have ceased to justify their existence in the bigger States, with all due regard for their wishes and advantages ;

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independence of the existing, vital unit States side by side with Prussia, in accordance with definite terms, which are no doubt subject to revision but not to sabotage, in all issues in which the security of the Empire is not involved.

### *Self-Administration*

We have already encountered the conception of selfadministration in the preceding section in the sense of a counterpoise against a centralization beyond the necessities of the case. That is one of its functions. Inherent in the State is a tendency towards simplification and towards schedularization with the object of centralizing the State's functions both for the purposes of rationalizing administrative work and of facilitating routine control. Aspirations of this nature are more than natural, they are, within well-defined bounds, justified and useful ; but they ought not to conflict with the spirit that selects and assumes its form not for its own sake but in the interests of its citizens. We must take the individual entity as our starting point, in whose life, that is to say, in his individual selfadministration, the State is only free to interfere in the interests of the community ; for the constraint of this individuality is to be deprecated, because its elimination implies that of the State conception as well. If we enlarge the individual into the family and the family into the community, the demand for the least possible interference from outside and for the greatest possible opportunity for undisturbed selfdevelopment, remains unchanged. It is only

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when common interests of the growing community call for adjustment, that the necessity for authoritative intervention arises. Thus the State evolves out of the number of selfadministering members, and it deprives the latter only of that measure of rights and duties to which it must lay claim for the common good. This course of development should be borne in mind when any organization of State administration is under consideration ; it is not that the State, existing a priori, embodies in itself all might of which it dispenses some fraction as need arises, but its might only accrues to it after the surrender of rights and duties on the part of its members. The greater measure of either the State Government is able to transfer to its members, the more certainly will these members be administered in accordance with their temper and character.

The second great advantage of selfadministration is the education in selfresponsibility it implies. We might set out again from the individual unit and trace the same truth through all communal life, to wit, that a man's confidence in his own strength and responsibility for the consequences of his own actions are the touchstone of all achievement. A man who works for himself and his dependants, who himself experiences and controls the success and the failure of his own action, does his work with better results than the man who has his work set him by authority. Only gradually does this exercise of selfresponsibility extend to the practice of joint responsibility for others, for his dependants, in ever widening circles, until it begets a sense of conjoint responsibility for the State,

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the highest of all civic virtues. The more freedom the individual entity retains, the more willingly will he surrender the necessary fraction of it for the weal of the community. The State's social duty, the aid of the weak, becomes far more palpable when the obligation to aid falls, in the first instance, on immediate neighbours living under like conditions than when the State alone is in possession of the means to render it.

The third advantage of selfadministration falls within the domain of finance. Again it appears desirable to allow the individual and the community to retain as many resources as possible and to exact from them only the amount the State's functions require, not to adopt the opposite course of taking as much as possible for the State to enable the latter to redistribute it. The individual and the community deal thriftily with their own money. The farther removed the spending authority is from the collector's office, the more reluctantly do people pay; the more the State centralizes resources in itself, the greater are the claims made upon it which it will never be able to meet to the entire satisfaction of the mulcted.

Thus the State becomes, by reason of its excessive exactions, a despoiler of freedom and money and a curmudgeonly dispenser of inadequate benefits.

### *Administrative Forms, Officialdom, and Bureaucracy*

From the preceding brief review of the structure of the State by means of its several selfadministering constituents, the organization of its administration

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should be a matter of course. There is a lot of talk nowadays about a simplification and reduction of Government machinery, but the proposals are, for the most part, not founded on an understanding of the duties of the State and do not inquire whether restriction ought not to begin with the latter. Undoubtedly an economy of administrative offices could be effected by way of reducing individual State organizations, but this is counterbalanced if the individual State, in the course of growing expansion, piles every additional function on itself and on its central offices.

If the State confines itself—we have quoted instances in our review of its Kultur duties and have seen the same thing in the evolution of agriculture and industry—to laying down general lines, to supervising, to conciliating and to lending a helping hand, but does not hold itself competent to undertake productive work in any of the domains referred to or to take the lead, a lot of functions, with their concomitant expenditure of money and energy, are at once wiped out.

Unfortunately, developments of late years have taken precisely the opposite course. The State has imposed ever-increasing duties on itself in the mistaken view that it ought itself to work for the welfare of its citizens, whereas its function is to take steps to enable them to reach this standard of welfare by their own exertions, and then to watch over and protect them in this state of prosperity. The ever-increasing number of laws and orders leads to a constant expansion of the machinery for the supervision of supervisors.

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The tendency to divert as many resources as possible to the State and thus to withdraw them from the individual leads to the horde of officials whose duty it is to collect, to administer, and to redistribute them instead of leaving them at the sources where they were raised, whether in the hands of the individual or of the sub-community. The consequence of the present state of things is an increase, verging on the grotesque, of the number of the State officials and employees who, or a large percentage of them, are, in the long run, only governing and directing one another, and therefore are ruled out for the purposes of productive work. This official class will acquiesce the more readily in the consequences of the overexpansion of the State, because, if it is not itself to become conscious of its entire uselessness, it must adopt the view of being in office for its own sake.

The duty of a Civil servant, rightly viewed, postulates a high degree of ideal mindedness ; it postulates the devotion of the individual's capacity for work for the benefit of the community, represented by and embodied in the State. The State, quite rightly, used to reward these, its immediate servants, less by monetary remuneration, than by prestige of status and security of tenure. This postulated that the members, like the scope of their functions, would remain limited in number ; it was only under these conditions, conjoined to a sense of its importance of his work, that the official could take pride in his work and look for the citizen's regard that was his due and is, at the same time, shown to the State he represents.

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With an ever-growing expansion of the Civil service, either condition was bound to become less and less effective. The fact that the Civil servant, as a rule, never even sees the fruits of his labours, that his labour, in fact, is, as a general rule, not designed for and capable of bearing fruit, in itself segregates him from workaday life. He becomes almost dangerous when a superfluity of proper authorities and over-centralization continue to increase. In place of a Civil service actively engaged within the meaning of, and on behalf of, the living State spirit (*Staatswesen*), there arises an atrophied, lymphatic bureaucracy, functioning for its own sake, not for the sake of the individual, at pains to find its justification in the observance and enforcement of selfdictated laws and orders. Without being in the least aware of the results effected, it, often unconsciously and misled by routine, makes work for itself and for others in order to justify its own existence. This condition of things is quite bad when the State believes that it can entrust productive work to a bureaucracy of this type; it will never be satisfactorily done. It is bad enough when it obstructs the productive labour of others, for it is inevitable that this broadcasting of orders, unperturbed by any experience and expert knowledge, but backed by the might of the State and the Olympian authority derived therefrom, should become a hindrance, not a help, to wholesome development.

The danger of an omnipotent bureaucracy, not called to account for the consequence of its actions before any outside authority, incapable of viewing



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the problem as a whole, and not directly concerned with the welfare of the nation as a community, should not be taken too lightly.

Any man who in these circumstances, attains to a position of authority is handicapped by the curse of red tape, even if he bring with him an expert knowledge of his department; even where, and for this very reason more especially, an active brain has promoted him over the heads of the majority of his colleagues, he will have to count on the resistance of the men over whose heads he has been promoted, and he will have to have a great deal of energy and insight if he proposes to get the better of this handicap and to have his way. This becomes doubly manifest as soon as, unversed in the machinery of the office, in the secret codes of the clerical staff, the interconnection of cliques, he becomes a chief of department; the strongest, the best intentions, will gradually wilt under the daily difficulties. He will hardly himself be aware how his views change before they are formulated, and how in place of his own ideas, those of the heads of his department are submitted to him. If, on top of everything else, be superadded the fact that his appointment as chief was determined by political views in conjunction with, if not indeed before, fitness for the position, and that new appointments are frequently made owing to a change in the Parliamentary situation, often before the occupant has had time to feel his feet, let alone enforce his will, it is no wonder that since the Revolution the supremacy of the bureaucracy has

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increased in every Government office throughout the Empire.

Yet another danger threatens bureaucracy to-day, the pressure of political influence. It seems to be in the nature of things that a State should prefer convinced supporters of the State for its immediate servants, but there is a danger of mistaking the State for the State form, and even more, the party for the State. When the charge of the appointment of officials for political motives is raised, people to-day are fond of quoting a similar propensity under the late regime. We concede some partiality in the choice of advisers in the latter case, but you cannot raise this partiality as the justification for a scathing indictment, and commit it yourself in an aggravated degree—to a certain extent, by way of reprisals. An outstanding object-lesson of how little this partiality had affected the worth of the Civil service and how consciously the latter set the State above the State form is the unruffled way in which the old time Civil servant continued to carry out his duties during the Revolution; which alone ensured the continued transaction of State affairs and contributed materially to the work of reconstruction. It was precisely because these officials were servants of the State, not of a party.

The outlook in many directions would perhaps be better for this country if people had taken this view to heart, instead of indulging in the human, but unpractical aspiration: *ôte-toi de là, que j'y me mette !*

It is an outcome of the Parliamentary system, and

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yet really in entire contradiction to it, if efforts are being made to appoint adherents of the parties that happen to be in power, to all available posts, as is being done in Prussia nowadays in the case of certain classes of office which are regarded as politically of especial importance. Since majorities in Parliament are mutable and, despite all precautions, the possibility that another party may come into power remains; the probability that a new and other party Government is likely to remove all these officials appointed on political grounds and to replace them by its own adherents should surely be taken into account. As this is, of course, impossible and, in view of the mutability of the Parliamentary situation, would easily lead to continuous changes, calculated to make all work impossible, this appointment to posts for political reasons would appear to be entirely contradictory to the Parliamentary principle, a violation of it perpetrated for purely party interests, with the object of securing, in the event of a change of Government, a position of power for oneself. From this point of view, the constant growth of a dependent class of officials, together with their appointment for motives of party politics or pressure brought to bear with the same object, has a significance of its own. It explains, too, the efforts for an extension of the sphere of influence of a State, governed by party politics; because the more a State's functions remain or become decentralized, the more they are entrusted to selfadministration, the more likely are they to be transacted from a common-sense (*sachlich*) point of view, and

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the further they are removed from the range of party manipulation, the greater, in the long run, will be the stability of the administration. Even if in a State governed on sound Parliamentary principles, the responsible chiefs may change in accordance with political groupings, they should find in their Ministries a staff of experienced officials to whom State counts for more than party.

### *The Parliamentary System*

The principal foe of a sound selfadministration is the Parliamentary system. That is quite intelligible and natural as long as its claim to govern persists. It is neither called nor qualified to do so.

All power emanates from the people. That in a certain sense is more than a truism, a catchword ; because at bedrock all power emanates from the people—including despotism, which must have the support of the stronger part of the people behind it, not, it is true, of the numerically stronger, but in terms of weight and worth, to enable it to rule. If power emanates from the people, the latter none the less, is incapable of wielding it. For this purpose it has need of representatives, of confidential agents, one or more than one, of a Government ; the hereditary sovereign is the confidential agent of his people, just as the elective President, as representing a Government in accord with the people's will, may be. This will of the people must find expression in one form or another and this form is Parliament ; so it is, or ought to be, a mirror of the people's will. Undoubtedly not a

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true mirror, often blurred, often a concave lens, full of distortions.

It may be the outcome of the free choice of the people, but it may also have quite different sources of origin. But whom does the free people choose? A certain number elect a representative, a spokesman. But have these hundred thousand really any confidence in the man in question? Have they any knowledge of him, do they know his views on the several political or economic issues on which he is deputed to give a decision? Most certainly not. And what are these issues? Can they be foreseen at the time of the election, has every one of the hundred thousand a clear answer to them, are all these hundred thousand of the same opinion among themselves about their chosen spokesman?

The people's will might be quite clearly expressed if a Parliamentary election turned on a single, definite, quite simple issue, within the understanding of every elector, of predominating political or economic importance—hence, too, the hunt for an effective electioneering cry,—otherwise, if the people's will were really meant to find expression, the only alternative would be to put all important questions to direct plebiscite, an alternative that would certainly make a clean sweep of Parliament as a governing body but yet would fail to give a clear reflection of the people's will. For the nation is too busy to trouble its head about political problems and prefers, when all is said and done, to be well governed, no matter by whom or under what form, to have much inclination to take the business of

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Government in hand itself. It is necessary to realize all this to get rid of the mistake of seeing an accurate reflection of the people's will in Parliament. But it is only from this mistaken view that Parliament derives its claim to governing power. There is no such thing as a people's will in every several question of legislation and government, little as it can and ought to be denied to it in the great fateful issues ; in the latter case, however, the will of the people as a whole is usually unknown to the individual, but none the less effective for that. There was no absolute need of a Parliament to apprehend, to guide, and give utterance to this will, although it may be of service for the purpose if it does, in fact, reflect the temper of the people with tolerable accuracy.

Several methods of electoral procedure have been adopted to attain this end. The pre-war zonal election that used to obtain in this country, and wrung an absolute majority out of the constituency, came nearest to the idea of the spokesman election ; the bigger, however, the constituencies grew—and that was unavoidable if the number of deputies was not to become wholly unwieldy—the further grew the distance between the candidate and the elector. Social influence and local interests played quite a natural part in the election, but in the end a number of men were returned to Parliament who did not, perhaps, know much about the State organism as a whole, but did know where the shoe was pinching in their own constituencies. A great objection raised against this system was that the minorities, often big minorities, found

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no channel to give expression to their will. Whether the defect was really so very great may be left an open question ; as a general rule it cancelled itself out in the general results. The new proportional system put an end to this state of things, but simultaneously, thanks to its finicking, reputed fairness, to the last remnant of confidential relationships between elector and elected.

In this way Parliament became, not the mirror of the people, but the reflection of the strength of the party at the moment. It was not a man qualified to take his part in governing who was elected, but a party programme, a list. Parliament is, as the result, made up of some few party leaders, who personally represent a certain number of votes ; at ballots, the presence of the leaders or their representatives should, as a matter of fact, be enough ; their vote need simply be multiplied by the number of members of their party, and the logical consequence would be that such members need not exist at all, but the party representative would be assessed by the number of votes given for his party list. So we arrive at the unqualified triumph of numbers, which at the same time reduces the Parliamentary system to absurdity. While the exposition of aberrations and defects of this kind in the Parliamentary system is no evidence against its usefulness in a nation's political life, or against the service rendered by the deputies, any more than it is to be denied that the grouping in parties is the natural sequel to the people's participation in political life, the danger is, that Parliament elected on a party pro-

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gramme and swayed by party leaders, busies itself with the details of legislation which ought not to be dealt with from the point of view of party politics, and that the real interests of the people are subordinated to party interests which, in the long run, always aim at the maintenance, gain, or growth, of power. The consequence is that forces of economic and Kultur importance to the community do not carry the weight they should in Parliament because they lack the force, in weight of numbers only, to insist on a hearing. The absolute domination of numbers, of the majority, is, by reason of its crudeness (*Ungeistigkeit*), noxious to a healthy development of the people's strength; it distorts the true ideal of democracy if the word means the predominance of the interests of the common weal; for it always does violence to a part of the nation as, for example, to the agrarian in favour of the urban population, to the educated in favour of the uneducated, to the haves in favour of the have nots—or at times the other way about.

Brought back to wholesome limitations, the function of Parliament is to counsel the holder of State power by free parleying—hence its name—by conveying the wishes, by virtue of its knowledge of the needs and circumstances of the governed, by arriving at agreement with him on the burdens and duties to be imposed, and thereby to exercise the desired check on the activities of officialdom. The greater the expert knowledge and definiteness, the sense for the interests of the community with which Parliament fulfils this function, the more its power grows, the more Govern-



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ment must and will be prepared to adopt the views represented by Parliament. The more the political education of a nation advances, the more intelligible and justifiable will be its aim to bring pressure to bear on Government until Government, without the assent of the people, as represented by Parliament, cannot carry on. Whether Parliament at all times is the genuine, legitimate representative of the people is a question for the Government to investigate and test ; for which purpose methods other than the arithmetical must be at its disposal.

If a good, and therefore successful Government, should look for the people's confidence to support its course of action, the assumption must not be distorted to mean that it must have the sanction of a Parliamentary majority for every detail. The principle appears to postulate that Government be in accord with the elected representatives of the people, and that either side have the right to effect such accord either by a change of Government or of Parliament.

The work, proper to Government, is not a function of Parliament ; it is not competent to undertake it by reason of its composition, determined by political points of view, and by its subordination to party dogmas. The Parliamentary system that, by way of committees made up of one or several parties, finally establishes Government by Parliamentary executive commissions and then, not altogether illogically, permits the latter to be directed and instructed by party leaders, is on the wrong road. Government, no matter on what principle it be established, whether

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Absolutist, Constitutional, or Parliamentary, must be an independent part of the State power, responsible to the State as a whole and to Parliament only in so far as the latter indisputably represents the interests of the State as a whole. Every well-ordered State administration forestalls direct Parliamentary interference in the administration, let alone juridical procedure.

It is a matter of course, because it is human nature, that Parliament should aspire to an extension of its authority; these aspirations are most pronounced in quiet times, because when the outlook becomes stormy, Parliament, conscious of its own incapacity to rule and to govern, is prone to allow leadership to slide into the hands of the mob or the dictator; to abstain from conjuring up such storms is therefore in Parliament's closest interests. The collapse of an executive such as we have experienced, has naturally led to an increase of the power of Parliament, but it should not overstrain its power, but content itself with the part, allotted to it, in other words, of supporting, counselling and keeping a watch on a State direction that has the people's confidence behind it; it is then in a position to counteract an unfettered supremacy of the State bureaucracy, but not, if it sets up a Parliamentary bureaucracy to replace the other.

At the beginning of this section we designated Parliament the principal foe of selfadministration; that is true when, in every sphere of life, decisions, laws, orders, and the supervision of their execution become the business of Parliament until, in the long

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run, no man or matter in the whole of the State escapes its interference and everything is viewed from a political, that means, a party point of view. The delegation of powers and functions to bodies more closely in touch with the business under consideration, in its essentials (*Wesen*), not in its political outward aspect, is the only remedy. This is by no means to suggest cutting off the co-operation and influence of the governed, and the relegation of business to a provincial, communal or similar administrative bureaucracy. The point is that in this case the danger of decisions from the point of view of party politics is less great, because the purely political and basic economic problems are reserved for the central Parliament, and questions that call for practical experience and expert knowledge belong to the agenda of the Sub-assemblies. It is worth inquiring whether in the case of these business parliaments different electoral methods are not indicated, not in the sense of grading the vote, but in order to make sure that the important interests at stake are represented.

The political history of the Empire over the past ten years and the outlook for its future make the need for greater repose in its development manifest. The prevailing Parliamentary system is largely to blame for the fact that this development has been restless and that the future is dark and anxious. The problem set, therefore, is to endeavour to stabilize our political situation. Many roads lead to that goal of which it is only possible to point to one or two ; greater independence of the executive with relations to shifting

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Parliamentary majorities ; a counterpoise against a Parliament, subject to purely political pressure, in an Upper Chamber, permanently representing the interests of the community ; the delegation of detail work and matters that call for expert handling, in so far as they do not involve basic principles and general considerations from the central Parliament, and their removal out of the political atmosphere into one of responsible selfadministration.



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CHAPTER V

THE INSTRUMENTS OF MIGHT

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CHAPTER V  
THE INSTRUMENTS OF  
MIGHT

*The Police*

“THE strongest fundaments of all states are good soldiery and good laws. As, however, there can be no good laws without these, and the latter are equally necessary, I propose to deal only with soldiers and armaments here,” remarks Niccolo Machiavelli in his book, entertaining and instructive even to-day, on “the Prince.”

This bracketing of soldiery and law, or to put it in other terms, of Might and Right, gives the exhaustive answer to the question on peace insurance and armaments and clears the ground of the scuffle of catchwords about pacifism and militarism. Right and the law need Might that stands behind them in home as in foreign relationships ; Might must often, too, precede Right in order, in the first place to gain its admission and recognition. Might always fashions Right, for the strong accept no laws from the weak.

When Machiavelli is speaking of soldiery in the passage quoted above, he has in mind the armed instruments of the State, the forces for the purpose



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of protecting the frontiers and of implementing its foreign policy, as well as those for the preservation of law and order within.

Let us turn our attention in the first instance to this second purpose, the police function. The State, whether it be based on the *fundamentum majestatis* or by *consensu omnium* or *majoritatis*, needs Might ; Might is its very essence. All its laws, passed in the interests of the common weal, all orders given, meet with resistance of some kind or other that submits to the State's authority, if Might stand behind the law, or it is forcibly broken down by this Might.

To deny this right of the State is tantamount to denying the State itself. This application of State compulsion may, by reason of the instinct of self-preservation, become self defence, which is a right in itself.

The wellbeing of all State citizens depends on the exercise of this authoritative Might and, at the same time, legitimate compulsion, and yet the executive body, the police, is never popular. The sense of individual freedom resents compulsion and, failing to understand the State conception, does not realize that it is only under the rule of the State that the evolution of individual freedom becomes possible ; it is only public law and order, imposed and guarded by Might, that puts a term to the naked struggle of individual entities among themselves and therewith to the domination of the stronger in physique or morale. The State, enacting its laws and enforcing obedience to them by the instrument of its Might, is in the true sense of the words, social and democratic—for which

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reason neither the State nor the police are social-democrats, or at any rate ought not to be. The possibility of a party political attitude and the justifiable or unjustifiable fear of it, accounts in part for the dislike and resentment shown towards the State and its officers of public order, an indication how necessary in a well-ordered State is the effort to put the State above party. That this can never be completely achieved is due to the fact that Right and law emanate from Might, and that the State, in its form and methods, corresponds to the Might-relationships prevailing within it. None the less, under all forms, the necessity for the State to be above party for the benefit of the community prevails, and the mightier and more secure the power of the State, the more promptly is it able, without jeopardy to itself, to take all interests into account.

The fierce resentment against "police excesses" may well have its source in a very wholesome feeling of personal dignity and an outraged sense of right, but it is very mischievous to subject every action on the part of the police to examination under the magnifying glass of hostile criticism and not to understand that where omelettes are being made for general consumption, it is impossible to help breaking eggs. There is rarely anything more than a bid for cheap popularity and hostility to all authority and Might, that means, to the State, behind these strictures. The "Man in Blue," as in more easy-going days they used to give vent to their dislike of their kindly police in Berlin, may be a venial weakness in the street; in the

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editorial chair it is an unconscionable attempt to lower the authority of the State.

This widespread dislike of police interference should, none the less, furnish food for thought on a matter that has been referred to before, to wit, inquiry whether the enacting of orders and regulations is not being overdone on the part of the State. State authority postulates that laws and regulations be obeyed; to enforce this, the State must have its officers; even if they be not called police, nor wear uniforms and carry rubber clubs—which is not calculated to enhance their popularity. Now it assuredly is not the function of the State to be popular in all circumstances and among all men, but there is a danger in too much unpopularity, and too frequent and too severe friction does suggest that there is grit in the machinery. The pronounced centralizing tendency in the Empire has a curious tendency, suggestive of the Herostratic,<sup>1</sup> to earmark for the Empire everything that makes the State unpopular; so in the case of the financial legislation and so, too, of the police. It is difficult to appreciate in what way it promotes Empire unity for an East Prussian to be regulating the traffic of Munich on instructions from Berlin, or for every, no doubt necessary, but in any case irritating “*Es ist*

<sup>1</sup> Herostratos was an Ephesian who, in 356 B.C., set fire to the famous temple of Diana, only, as he subsequently confessed, to make for himself a name that would be handed down into history. To discourage any further attempts to secure posthumous publicity by similar method, the Ephesians made the mention of his name a penal offence. Theopompos, the historian, however, salvaged it.—*Translator's Note.*

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*verboten*” notice to be displayed under the Empire’s eagle. It is precisely the section of the police that comes into daily contact with the people that should, as far as possible, speak its language and know its idiosyncrasies, whereas other police departments, as, for example, the Criminal Investigation Department, should be centralized as far as possible; should, in fact, to a certain extent be internationalized; not for any political object, only for its own ends.

The zeal of centralizers for the transference of the police to the Empire, is attributable, in so far as it is not theoretic in origin, to the desire of placing an instrument that can be influenced and turned to account as a political unit in the hands of the central authority. As long as Germany is a federal State this aspiration appears to be ill advised. Here, too, the advantage of a well-considered diffusion of authority and of entrusting many functions of State administration to subordinate offices is manifest. As a matter of course, in a self-contained state, like Prussia, for example, the security police proper must be organized to ensure that, in cases of emergency, it can be employed as a unit; in the same way the police forces in the countries should be constituted in accordance with the same principle, so as to be in a position to support one another reciprocally. It is precisely the police problem that is best adapted to illustrate the disadvantage, in fact the impossibility, of many petty state formations within the Empire and at the same time the advantage of decentralization on common-sense lines.

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The Empire has at its disposition the Defence Force, which is under its sole and unquestioned direction for the maintenance and security of the State authority, invested in the Empire, not in the sense as if it were an Empire police. The duty of safeguarding internal law and order is incumbent on the police, and it is a mistaken conception of the function of the Defence Force to look upon it as a police reserve. There must be no doubt about the fact that the army is the Empire's last and mightiest weapon, in the execution of its internal duties, but the presence of the army, an "army in being" in the internal political sense, should of itself suffice to guarantee the law and order required. It is most undesirable that the army be called out for the maintenance or restoration of public order; that is beyond the scope of its functions proper, training and readiness for employment abroad, and for this it urgently needs the people's trust and its prompt support, which it may put to hazard by being employed as police.

None the less, the army must, if the necessities of the State demand it, be prepared to take this ungrateful task on its shoulders and stand the consequences. Ingratitude in all cases and from all sides, from the quarters to whose aid it has come, will be its portion because it only serves the State, not one section of the nation, and will not suffer itself to be employed as party troops; the people against whom it has been called out, will keep their resentment hot for a long time.

The police, least of all, can desire the intervention

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of the military, for it means the end of police authority, and it takes a long time before it is sufficiently restored to stand on its own feet. Everything should be done to postpone calling out the armed forces as long as possible, because the situation thereupon assumes quite a different complexion. If the police with their manifold resources had hitherto endeavoured to restore order with the least possible disturbance of public life, on the employment of the military, as the last State force, all considerations must yield to the one purpose of reaching the objective set in all circumstances ; failure might mean the downfall of the State. The execution of the duty has passed into military hands and is only to be attained by military methods. The employment of troops for the restoration of order is always a sort of war and, in fact, one of the most unhappy, and to a soldier, most distasteful kinds ; it also postulates methods of war.

It is therefore entirely fitting and necessary that this last instrument of Might be entrusted solely to the hands of the Empire.

### *The Defence Force*

The Defence Force is the most significant symbol of Empire unity. Just as, from without, the Empire presents the appearance of an indivisible unit, whose inner coherence this unity is devised to strengthen, not to weaken, the departments, the effect of whose work lies abroad, must bear the Empire imprint, thus the diplomatic corps and the Defence Force. The need of them for sound State vitality does not call

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for the recital of detailed evidence, a glance round us reveals neighbouring countries in arms, and the conviction prevailing everywhere that, in spite of and together with treaties, every self-conscious country must, in the first instance, rely on its own strength for its own security. The right of self-defence, even in the days of the Kellogg Pact, remains unshaken, is, in fact, acknowledged by it in principle. The opportunity for making its preparations for the exercise of this right is a vital need of a State. Let us emphasize that Germany is debarred this right and this opportunity, that it is thereby despoiled of an attribute due to a State of its status. Let us, in spite of this, turn to the Empire's Defence Force only in order to put one or two reflections of general bearing on record.

The being and function of the army—land and sea services are treated as one and the same thing for this purpose—are particularly well suited for study in the light of history ; in fact, it is forced upon us, if both are to be rightly understood. The reason for this lies in the fact that the functions of the army and therewith its spirit (*Wesen*) as well, could change and have changed little in principle in the changeful course of time, and therefore, in spite of all external differentiations, its relationship to the State has remained constant. The peculiarity of the army, as a State institution, lies in the fact that whereas all others map out their activities with a view to permanence and routine, the army must be designed with a view to emergency. This, in one and the same army, mani-

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festes itself in two phases, the army in peace time and the army on war footing, and both have their different vital conditions, present different postulates, and hold the possibility of different dangers. The army in peace time is in a continuous state of preparedness and readiness for action. This is not always an easy posture, either for the army or for the State. In the very nature of things, an army, more especially in the case of a good one, is to a certain degree in a state of impatience, an intelligible and natural eagerness for action; not that this would entitle it to urge the realization of its wishes.

This temper is more marked in the case of a long service professional army, especially if it lacks change and the opportunity for employment in colonial service, than in a conscript army, that changes its personnel rapidly. On the other hand, a professional army, a more or less large nucleus of which should leaven the territorial and militia forces if they are to be at all efficient, offers the occasion, thanks to long service, not only to fashion it into a very effective and closely welded military arm, but also to train it into a strong buttress of educated civic sense of State power, at home and abroad. In the mass of the militia army, indifference towards the State or political partisanship continues to be the same in degree as prevails in the nation at large, and it is only the small professional nucleus that can transform it into a model and educational factor in the hour of danger.

The attitude of the professional army towards the State calls for very careful consideration and constant



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attention. The army has its own vital conditions, quite peculiar to itself, and a character distinguishing it from all other State institutions ; these traits have to be taken into account if the army is not to become a state within the State, but a reflection of the State. The important point is for the army to have a sense of kinship with the State, and with this end in view, the State must treat this servant of such vital importance to it with corresponding consideration. In its army the State does honour to itself, and nothing could be more dangerous in the case of the army than, sicklied o'er by a false pacifism to lower, even in externals, the status it deserves in the State. The State always has to take human weakness into account, and it therefore ought not to be niggard with outward honours or material expenditure, and more especially to furnish it with the means to enable it to carry out its training and efficiency in accordance with its own views.

The army on a war footing lives and acts under another set of conditions. We do not propose to enlarge, or to come to any conclusion, on the burning question of the day, whether the moral to be drawn from the course of the last war be that the day of mass armies is drawing to a close, and that what is wanted are smaller and highly efficient armies. Whether, then, it be the mission of the peace time or professional army to force a decision or to furnish the nucleus for the mobilization of the nation for service, may be left an open question. In either case the objective is the same, the defeat of the enemy, and so is the problem

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set ; to fashion and wield the most efficient instrument possible for this purpose.

Whatever may be the answer to the questions as to the form this instrument should take, that is to say, after the transition of the peace time to the war time army ; whether greater importance should be attached to quality than to quantity, the postulate that the State must trust its army remains unaffected. The day of the mercenary, pure and simple, when the State was only politically, not nationally, concerned in the success of its army, passed away long ago ; professional armies are just as much component parts of a nation as the so-called national armies themselves. It is a proviso, taken for granted, for the confidence the State has in its army in the field that it be organized, equipped and trained to the best of the knowledge and skill of the State's advisers, and that in the hour of decision remorse for failure to realize the need for sacrifice and for want of foresight do not come too late. This confidence involves other mental assumptions. History is not only a source of knowledge, but of strength. The national spirit, which is particularly strongly represented in the army, is developed by a knowledge of or sense for history. It obliges and entitles the army to cherish traditions, the soldierly and national traditions. From these traditions it derives its sense of obligation towards the past and towards the State, which, of its very nature, is a national State. The characteristic of devotion to the State together with the sense of national responsibility, which is a factor in a professional State army and an

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earnest for its bearing in peace and war, can never be expected in the same measure from the nation as a whole. The greater, therefore, the number of men, permeated by the same spirit, the more is a national army, recruited from its midst, inspired by the same sense of responsibility. The professional army is the roof-tree of the national spirit (*Gedanken*), and it expects and hopes that, in the event of war, a nation, inspired by national sentiment, will be at its back to support it.

The especial character of the army living under its own conditions of life, the bond of status, peculiar to it, and the necessary consolidation of the army at the disposition of the Empire, might be sources of danger to the close relationships to be desired between people and army. Experience, however, does not endorse apprehensions of this nature. The danger of over-centralization is not a political question, but only one affecting the internal life of the army, doubly great in the case of a small army, which in all decisions can to all seeming be swayed, beyond the requisite degree of solidarity and uniformity, by one authority. Necessary and valuable as the spirit of solidarity in the army is, it becomes very volatile under bureaucratic methods and degenerates into ink-spilling (*Schreibwesen*), captiousness, and the wire-pulling of cliques. Without affecting its quality as a unit, the national professional army can keep in that permanent touch, that does so much to engender confidence, with the civil population if its troops have the opportunity of winning its trust by being quartered for as

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long as possible in definite districts of the Empire ; then the population of the country will crowd to join up in "their" regiments. There ought to be no interference in the prevailing, or strongly maturing, affinity between country, town and army, by way of bureaucratic interference that ignores psychology. In his day, astute Machiavelli, in his book "Of the Prince," would have nothing to do with foreign mercenaries without interests at stake in the country, whose fate was a matter of indifference to the people and demanded home-bred troops. In the closely knit Prussian army they took clanship into account because they knew that every man, when fighting or dying, likes to hear the dialect of his home. In the English army, regimental traditions and local sentiment are an essential vital condition. In Vienna people read, with mingled pride and grief, of the victories and the death of the "Leib" Regiment "Deutschmeister No. 4" ; in Munich, of the Regiment du Corps.

These reciprocal inter-relationships constitute the genuine healthy militarism, with which a self-conscious State cannot afford to dispense.



CHAPTER VI  
FOREIGN POLICY



## CHAPTER VI FOREIGN POLICY

### *In General*

**A**MID the gas shells of catchwords one of effective appositeness bursts occasionally, to wit, that about the primacy of foreign policy, whereas we hear less about the overwhelming, and often far more mischievous, influence of home politics on foreign policy, and its pressure is far more active.

Action and reaction between the two are patent. Home policy has, first of all, to build up and maintain the strong State itself, whose Might will be represented abroad and applied in the interests of the State. In terms of time, therefore, home policy has precedence, in terms of actual fact, a firm and successful foreign policy is the outcome and the crown of political strength. Home policy, by promoting the prosperity and the output capacity of a sound, contented and, as a unit, nationally-minded people, creates the pre-conditions for foreign policy to bring the forces, radiating from home, to bear on the inter-relationship of nations to the advantage of the State.

Considered in terms of the ideal, there should, given the same origin and the same goal, be no antagonism



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between these activities in the several fields of policy, and yet it is, it would appear, inevitable. Entirely apart from the differences and discords arising out of the pettier sources of human and personal relations, the danger zone, we find, lies in a different conception of the meaning of a national State. Economic ties, the identity or similarity of social interests, agreement in the views and wishes in the case of political grouping and balance of power, lead to a horizontal international conception of a super-State formation as compared with the vertical structure of the national State. The former conception gives rise, of course, to other aims in the conduct of foreign policy than the purely national objective. Differences between home politics and international policy are at grips for the mastery not only at home but abroad. It is impossible to believe or to hope with any certitude that a realm, governed on the lines of Absolutism or Communism, would adopt an unreservedly German policy, the same in essentials however distinct in form. Both would look round the world for allies of their own colouring in order to wage the war of party principles and philosophies against one another, while the German Communist would have a great deal more in common with the German moderate Radical than the Italian Fascist; the German capitalist, to put it the other way about, with the German Communist than with his Soviet comrade. As long as we lack this national mentality and solidarity, with all licence and freedom for the clash of internal differences, a successful foreign policy is impossible. While we have

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purposely set violent antitheses in contrast to make the objective of a sound future development the more palpable, no one can contend that many other points of contact are not operative. None of them can be denied, nor, since they do exist, their logical and natural justification. The important point is the measure of the influence they exercise on State evolution at home, and still more on foreign policy.

It would be quite idle to try to denounce and fight against internationalism in all domains, economic, scientific, artistic, or indeed, to shut one's eyes to its advantages. The more widely internationalism, in many strata and in many spheres, permeates latter-day Europe and the rest of the world, too, the more urgent it becomes to adopt a national attitude towards this movement. The observer cannot fail to note that, in entire opposition to international aspirations, which no doubt are more widely discussed, a strong feeling of nationalism, often revealing quite novel features, is growing up in the world. Originating frequently from purely political and egotistical motives, it none the less constitutes a usually unconscious, but wholesome, reaction against an over-accentuated internationalism.

The clash of these two currents should furnish the statesman with food for thought. Wherever the national spirit grows strong at home, foreign policy, whether it likes it or not, will have to take it into account, because acute antagonism might imperil its ends. An astute diplomacy should be in a position to gather profit and strength from the national move-

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ment. The rulers of the State must take cognizance in time of movements stirring in the heart of the nation and endeavour to guide them in the right direction ; if they fail to do so, the danger arises that the movement may take a Radical course and attempt to usurp the State government, which it is, in any case, incompetent to carry on. It would be dangerous to endeavour to exercise such influence on home policy only, and to try to pursue a foreign policy as though unaffected by it. It may, more than any other factor, lead to the development of a healthy sense of nationality ; Bismarck taught us that, and with him in our mind's eye, we can well afford to put up with the catch-word about the primacy of foreign policy for a while.

The road to pan-Europe appears, in view of the temper prevailing to-day and, above all, of the present distribution of strength, to be a far cry. Soberly considered, we shall learn to regard this vision as nothing more than an ad hoc association (*Zweckverband*) at short sight to take advantage of a favourable market. In it there lurks the danger of the oppression of the economically strong by the politically stronger, for in this adventure, as in every other, Might rules. A liaison of this kind will always be dangerous to the weaker party ; and since these associations, however pacific their guise, must always assume an adversary against whom they are joining forces, the weaker party may, and easily will be, manœuvred into a false position unprofitable to its national interests. These liaisons may yield temporary and unilateral advantages, but, with all allow-

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ance made for the urgency of present-day problems, foreign policy ought not to lose sight of its objectives in the more distant future so far as they are within the purview of political means of vision. A pan-Europe, like similar associations, has the purpose and the object of conserving the status quo in Europe, and is therefore to the interests of those who believe this Europe and the world of to-day to be politically the best available ; but the State that voluntarily submits to these shackles should reflect whether it is not, in doing so, attending the funeral of national aspirations, or at any rate rendering the way to their realization more toilsome.

It is as easy to make mistakes in political life as it is difficult to correct them.

Treaties, alliances, pacts, associations, are, of course, not made for all eternity, and the reservation " *rebus sic stantibus* " in all of them is an understood secret clause, but the divorce of alliances of this kind—even when effected in a spirit of goodwill—and usually it is in a spirit of ill-will—always has dangers of its own, though less grave perhaps than the continuance of such unions beyond the date convenient to one of the partners ; whereof quite recent history can point to one or two instructive examples.

### *Economics and Policy*

Among the catchwords running riot on this subject, there is one about economics being policy or our fate.

Like all catchwords it is the current coin of a half-truth. No doubt economics or, in other words, the

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material well-being of the members of the State and the operation of the machinery subserving it, is a matter in which the State is concerned. In this sense it is an object of policy, if even by reason of its right to the consideration of its interests and of its claim to be consulted, it becomes a collaborator. But it always remains a part of, and at the same time, a servant of the State and only, secondarily, part and servant of the world's economic system. It is the economic function of foreign policy to pursue national economic interests in its relationships with other countries ; while the latter in their turn should turn their international connections to account for the purpose of serving the State.

The danger of too intimate economic commitments between the several countries undoubtedly arises wherever they obstruct policy, and the latter has to take second place. It is impossible to shut one's eyes to the fact that the intertangled, international monetary powers and monetary interests are beginning to acquire a super-State influence. Such influence would be nothing new in history except that it has hitherto been confined to isolated cases, whereas it is aspiring to world-power to-day. Wars may be prevented in the interests of international finance just as they may be launched by them. But it is the business of national rulers to place themselves beyond the range of pressure from international influences of this nature.

Trade treaties are among the functions of foreign policy in this connection, their importance for the protection and promotion of home economics has been

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discussed elsewhere ; it is enough to note the widespread over-statement of their effect on the political relationships of the States concluding them. As all treaties are subject to variation, trade treaties should adapt themselves to the fluctuations of the economic situation, not to unstable political relationships.

### *Alliances and Treaties*

Alliances between States should be regarded entirely from the point of view of Might policy ; and whatever else the treaties may contain, their chief value, often their only value, lies in their military clauses. Whether these are of a defensive or offensive nature is largely a matter of indifference, because the one can be converted into the other, as desired, in order to furnish the necessary pretext for the renewal or the breach of the terms of alliance. However great the importance a State must attach to international confidence, it will, if it has a right conception of its duties, interpret the *casus foederis* in terms of its own, not of the other party's advantage, and of this, too, there is no need to hunt for object-lessons in recent history.

Military alliances are rarely concluded from general motives of security alone ; alliances of this kind are no doubt sought by the weaker party, because it is living, rightly enough, in continuous dread of a stronger neighbour, but such guarantees are difficult to obtain without an equivalent in return. This may consist in an accession of strength, even if slight, whereby the weaker State makes its stronger ally sure of the numerical superiority at which it is aiming.

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Thus it follows that an alliance of this kind has a particular event and a particular enemy in view. The value of a State as an ally is most succinctly expressed by the number of its battalions and guns, and, in addition, by its geographical position and in the coincidence of economic or political objectives, ambitions, and aversions. It will depend on the importance the stronger party attaches to the value of the weaker, whether the alliance is equally advantageous to both and affords equal measure of security for both, or whether the weaker is only the stronger's vassal who can be dropped when convenient.

An especial type of international relationship is neutrality. It may be generally guaranteed by way of treaties ; it may be declared *ad hoc* ; both types have this in common that they are not always respected. It may appeal to many minds as attractive for a State to declare : " I am not concerned in the quarrels of this world " : but that will not help it much when the violent antagonisms all round it clash. Neutrality of this sort may, in principle, be possible in the case of a smaller State off the beaten track, even without its definite declaration ; an attitude of this kind on the part of a great State would mean the surrender of its *raison d'être*. A State is undoubtedly free to declare itself neutral so far as the quarrels of others are concerned, but it can only count on the recognition and acknowledgment of such declaration if it be backed by the will and the Might to enforce it.

The defenceless State, kept in a condition of dis-

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armament, is not competent to form alliances because it has no strength to offer, nor is it master of its own decisions, because it lacks even the power to implement its decision to keep the peace. The great peace manifesto of the Kellogg Pact has to admit the right of self-defence, the State's right of self-defence, when attacked; the Empire has been despoiled of the possibility of exercising this right and therewith of the right itself.

"Civis Romanus sum"—"Don't hurt the flag"<sup>1</sup>—Did Right and treaty back those proud words? No; Might did. It is really no easy matter to conduct German foreign policy to-day. But its goal should not be left in doubt; it is the restoration of Germany as a Might State.

<sup>1</sup> The translator, taking his courage in both hands, ventured to query whether "Don't hurt the flag" would be regarded as a typically British parallel to the challenge "Civis Romanus." The word "hurt" misliked him. He received the subjoined interesting explanation from the author. The phrase is a quotation from a poem by Theodor Fontane, a writer well known and held in high esteem in Germany. The poem, which was probably written in the fifties or sixties of the last century when the author was living in England, treats of the following incident: In a frontier town in Chile an English subject is, for some reason or other, arrested by the native authorities and sentenced to be shot. The English consul accompanies him to the place of execution and, when the soldiers raise their rifles to carry out the sentence, throws the Union Jack over the man with the words, "Fire, but don't hurt the flag."

Then silently the rifles drop  
For no man dares to fire the shot.

—Translator's Note.



*The Peace Treaty*

The Treaty of Versailles blocks this objective of German foreign policy, or rather, not so much the Treaty itself as its interpretation which the stronger, while preserving an outer semblance of right, forces on the defenceless party.

We should be careful to abstain from two things : from imagining it to be in our power or at our choice simply to ignore this Treaty, whereas, not the right arising out of its forced signature, only the logic of the lost war necessitates its fulfilment and the acceptance of its interpretation ; the second mistake is to make this Treaty and the exploitation of this Might position in its interpretation and execution the subject-matter of moral complaints against the other parties to it. That was the great danger of leading us to imagine that we should effect any useful purpose by appeals to Right and equity while international Themis still continues to defer to the sword of Brennus and, as always, gives " Vae Victis " as her final verdict.

Let us glance at the provisions of the Treaty again through the eyes of our adversaries. New States have been built up, for the most part artificially and arbitrarily ; others, previously in being, have been enlarged out of the corpse of the defeated and collapsed Powers ; both types owe existence or increment only to the efforts of the Power, chiefly concerned to weaken its erstwhile rivals and opponents and to consolidate its own position. This military objective has, at any rate for the moment, been fully achieved ;

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the new States are sunning themselves in the goodwill and support of their sponsors. Of these, America, the real victor, retires with the acquisition of the undeniable economic and financial hegemony from the post-war quarrels of Europe in order to exploit her supremacy in purely American interests. England has achieved her purpose, the elimination of an inconvenient competitor in economic and maritime domains ; whether she has reason for whole-hearted satisfaction in her success is her own business.

There remains France, that had, has, can have the one idea only of making Germany powerless for ever—or, as there is no “for ever” in history, for as long as possible. France has achieved a great deal, a very great deal, in this direction by means of the Peace Treaty ; and the gaps left open in it, owing to the hampering collaboration of her ally, she has tried, and to-day is still successfully trying, to make good by its interpretation. In the eyes of many Frenchmen, who neither had nor have any ambition to be good Europeans, the provisions of the Treaty did not go nearly far enough. But when we compare what France attained with what she failed to attain, we find that one thing, the break-up of the Empire, in spite of all efforts which were often not very short of success, has not, so far, been achieved. The Rhine frontier Foch demanded has not been reached ; and, after postponed and delayed evacuation, the efforts to keep the Rhinelands under French influence and control have neither been given up nor are they without prospect of success. Germany, for an undetermined

THE FUTURE OF THE GERMAN EMPIRE and indeterminable period, is despoiled, not only of aggressive, but also of defensive military power, not only against France herself, but against her Eastern allies, crouched to pounce. France, in the quite natural urge of self-preservation, withdraws from a superficial, indefinite general obligation for self-disarmament in deference to general pacific tendencies. Under France's initiative, a payment of tribute for two generations is imposed on Germany, much less with a view of strengthening the French economic position, which is in any case developing favourably, than of setting back Germany's economic recovery for as long a period as can be humanly foreseen. It is well to keep the indubitable situation created by the Treaty of Versailles in view, because the basis of German policy can only be deduced from it.

This basis is the fight against the Treaty that blocks the future for Germany, and is designed so to block it. To make proposals or to give counsel for a fight of this nature is waste of time, because the guise it will assume depends on many and unstable premises ; we have discussed the internal, and the foreign factors are not to be foreseen. We need have no illusions at all about the world's sense of Right not to abandon the hope that folly is not long-lived. The Treaty is human work and, for all its astuteness, patchwork, a work of political psychosis. The realization of this will gain ground, not by reason of moral, but of common-sense considerations. The Treaty is built up on false premises ; the assumption that it is possible to keep a nation like the German in a state of serfdom

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for two generations with impunity is wrong ; wrong, too, the demarcation of frontiers that arbitrarily keep what is kin apart ; England is already beginning to realize the folly, verging on the grotesque, of the establishment of the Polish corridor. Peace treaties have replaced a Europe in which there were a few big differences which statecraft has for decades contrived to bridge, by a new Europe, in which there is a succession of furnaces which are hardly to be kept under control ; a succession of unsolved problems, which it will be difficult, if not impossible, to solve by pacific methods.

These treaties by one road or another are leading towards their abrogation, and this abrogation is the arena of German foreign policy, and for this struggle it stands in need of Might, the creation of which is its first task.

### *War Guilt*

The justification of the terms of Peace by reference to Germany's " War Guilt " will be hardly intelligible to a later generation, for the preamble is bad, so bad that not even the men who propounded the thesis can easily have believed in it themselves, and bad because its untruth can be proved without overmuch trouble by documentary evidence. That has now been done, though, of course, not admitted by the authors of the thesis, and yet there have been no adjustments in our Peace treaties or their sequels.

That is entirely a matter of course ; because it was not an outraged sense of Right in quest of the atone-

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ment and punishment of the guilty, but the victor was basing his arguments on his Might. This position was so sound and strong, and still is to-day, that faulty reasoning fails to affect it. The victors had, of course, good reasons for their thesis ; past masters of propaganda and mass psychology, they furnished themselves with a popular device for justifying the terms of peace as towards their own people and with a convenient pretext for turning a deaf ear to all complaints and representations of the vanquished. Whether their knowledge of German internal affairs went so far that it was their intention to create thereby an effective cause for discord in Germany herself, in their charge of Germany's war guilt, it is difficult to say ; they have been entirely successful, for the indictment launched abroad was seized on within the Empire to make internal trouble. The overthrown Government, "the accursed old regime," must have been to blame for the war and therefore for its disastrous issue ; otherwise why should it have been overthrown ? The attempt, frequently made, to represent the Government as the only guilty party in contradistinction to the nation that was not responsible for its doings, failed ; the adversary did not embroil himself in discussions of this sort which he, very properly, regarded as a German domestic matter. The fight against the charge of German war guilt does, in fact, lie within the sphere of domestic affairs, without losing sight of the significance of its subsequent effect abroad ; not that practical results on the execution of the Peace Treaty would have ensued,

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but as a preliminary to a revision of its terms when the relationships of Might are other and warrant a claim for revision. If one has induced the conscience of the world to accept one version, why, when once the wind sets from a different quarter, should it not be possible to prevail on it to accept another? The German, in his fight against the lie of war-guilt, will have to be on his guard against one attitude that is harmful, to wit, the Pharisaical spirit inherent in it.

The fight is being waged against an historical untruth that is being turned to account to damage us, not against a moral reproach, which, even if it were well founded, is nothing of the kind. The German people would have been justified in going to its Government and saying: "You have started a war and have lost it. If you had won it we would have erected triumphal arches for you, but you have lost it. You ought never to have begun it. *C'est plus qu'un crime, c'est une faute.* Only successful wars are allowed." Talk in that strain would have been common sense, even if it were based on wrong premises, because the German Government had not brought about the war; but it had perhaps made mistakes. It was quite simple for the victor to say: "You started it, you have got to pay." That, when all is said and done, is the old war Law, and we ought, after all, not to forget that on our side, too, in the event of victory, we should have demanded similar payments. We should perhaps have given the peace indenture a more common-sense setting with fewer

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moral flourishes—but that is, in the main, a question  
of taste.

We therefore repudiate the charge of German war-guilt, not as a reproach, but as an untruth, without falling into the mistake of attempting to indict other people, who were perhaps far more responsible than German statesmen for the outbreak of the war, but, in their defence, need only plead that they were acting in their country's interests.

CHAPTER VII  
THE CITIZEN





## CHAPTER VII THE CITIZEN

### *His Rights and Duties*

THE State is at one and the same time the shield and the foe of personal freedom, the restricting and safeguarding of which are its function, its very being. The struggle between freedom and State is the history of the internal development of all States. The starting point is the individual with his natural right to freedom, not the State conception with its right to Might. In the same way the ultimate end is the individual, not the State. If we disregard the restraints on individual freedom imposed by Nature, just as the restriction of the will by predestination, there remains the demand for freedom that finds its expression in the "struggle for life," and, arising out of it, the "prior right of the stronger."

In the sphere of political development we are here confronted by the two contradictions between individual freedom and the State conception, and at the same time shown the way to their conciliation. We see simultaneously the two distinct conceptions of the State as an organization for the protection of free personal enterprise and as a fusion of all such enterprises for State ends. The quarrel between the two

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conceptions is of long standing and has become the occasion of bitter fighting and for the accumulation of a lot of book learning. If we abstain from hide-bound theories, from political and economic philosophies, and if we conceive the State, not as an end in itself, but as a means to ensure the weal of its component members, we begin to appreciate that practical considerations alone are the issue and that they are subject to constant change. Premising the individual right to freedom, it follows that it is the business of the State to restrict it only in so far as is necessary in the interests of the community. Simple as this axiom sounds, its application is difficult ; because the political problem is the measure of restriction. In any case, the truth of the axiom should suggest restraint in State interference and compulsory measures. The "struggle of all against all," as the natural consequence of a stateless communal life, or under a weak State, must be kept within bounds by the State so far as not to constrict the freedom of the majority ; on the other hand, not so far as to paralyse the development of individual enterprise and responsibility. The more individual initiative and sense of responsibility, within the boundary lines, set by the State, the better for its own interests. Acquiescence in the necessity for limitations is known as civic sense ; the gauging of their strength and extent as statecraft. Only the State that leaves all freedom, compatible with the common weal, at the disposal of its citizens and safeguards it, has a claim to the ungrudging surrender of fractions of it.

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If the Bible enjoins us to render unto Cæsar the things that are Cæsar's, the text should not be twisted into an enjoiner to render unto the State things that are not the State's. The measure of the surrender of freedom will vary in accordance with state and country. Hence times of emergency call for emergency measures. Consequently the abuse of freedom may lead to its temporary, but far reaching, restriction ; in the same way, the sense of personal and political freedom is more strongly developed in one country than in another, while a third willingly submits to the strictest State sponsorship. The German goal to attain which, the worth, history, and character of the nation aspire, and towards which all the paths of policy, including its bypaths, must lead, is the community of free and responsible citizens whose political insight and national education render to the State the things that are needful to ensure the weal of the community at home and the Might of the Empire abroad.

This tax the State levies, and is bound to levy, on individual freedom to ensure this freedom at home and abroad.

### *Property*

On the same principles the tax levied on the citizen's property follows on that on his personal freedom.

The starting point here, too, is the right of acquisition, conservation, and disposal of personal property, and the duty of the State is to render this procedure possible, to facilitate and to safeguard it. The further development of the State concept led to putting limits

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on undue acquisitiveness in the interests of the community and to laying claim to that share of the property requisite for this purpose—but that share only.

Overstraining State demands leads to a wealthy State with poor citizens, that is to say, to the reverse of a sound State conception. The State, as such, is neither rich nor poor, but only those resources absolutely needful for the fulfilment of its mission accrue to it, and these resources it draws from the property of its citizens, no matter whether it does so by direct taxation or by the hundred and one tortuous methods of public finance. The State is, of itself, entirely unproductive, lives on the property acquired by its citizens by dint of their labour. If it makes the acquisition of this property impossible by excessive and continuous deductions from its yield or makes it cease to be attractive; if it puts a stop to diligence, thrift, enterprise, initiative and sense of responsibility, it will before long put a full stop to itself. Before putting forward bigger claims on its citizens' property, the State should inquire whether the scope of its functions could not be restricted.

The position of the Empire is a difficult one. After having stripped a large number of its citizens of all their property by its State bankruptcy, by way of inflation and deflation, and having dealt a severe blow to the principle of the protection of private property by the State thereby, it now finds itself constrained, in order to be in a position to meet the tribute payments abroad and also the expansion of its activities at home—together with the expenditure involved

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therein—to stand in the way of the renewed acquisition, even the conservation of private property, by a system of taxation amounting almost to a confiscation of income. Admitting that the position is to a certain extent a case of needs must, the outcome of a financial policy that aims at extracting as much as possible, not as little as possible, out of the people is, in the long run, bound to have, not only material and economic, but, in a wider sense, political and moral consequences for the State. The war, and even more, the post-war era, had already blurred the conceptions of Mine and Thine, more especially where the State was concerned, and the inflation period was bound, in view of the example the State set; to shake the foundations of commercial morality severely. The present day financial methods are leading up to tax evasion and, what is a good deal more serious, to an ever increasing sense of sullen resentment against the State. The consequences can hardly be regarded too gravely, and yet it would appear, they are frequently overlooked.

The inevitable decline of State revenues, that necessarily ensues on the growing impoverishment of the citizens, and is rendered even more acute by the resistance to a taxation which the majority feel to be as intolerable and, as for their purposes, it is, as it is senseless, is the immediate consequence. The certitude that physical and intellectual labour, initiative, enterprise will not benefit the worker, or at any rate to a very small degree, but that the yield will be diverted for the purposes of State requirements, not approved or not acknowledged, postulates a degree of

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idealism one cannot hope to find everywhere, to stimulate a higher output than meets the bare necessities of life. The duty incumbent on the State, to stimulate and to educate its citizens to work, and to work at their highest capacity, is being turned to the very reverse.

We ought not to count too confidently on an ideal State conception; it is property that constitutes the closest bond between the citizen and the State, whether this property be great or small. This whole property-owning stratum of the nation is the sure foundation of the State and constitutes its strength against forces hostile to it, both at home and abroad. The war and the post-war era have already despoiled millions of people of their property, its further development is in progress and therewith the State idea and State power decline.

Tax-paying is admittedly not popular, but in the case of a people like the German, with its highly developed State conception, its capacity for surrender where freedom and property are concerned, is big enough to render to the State the things that are the State's. 1914 gave us evidence of that; only the State must be in accord with the citizen, not at feud with him.

### *Security*

The security that the citizen claims as of right, and the State affords as a matter of duty, is a question of Might, a question of State authority. It ranges over the protection of life, health, property and over

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freedom and honour as well. Theoretically, law guarantees this security ; for practical purposes, the State by means of its resources of Might, guarantees it.

We have already glanced at the latter ; we need only point out here that this security which ensures freedom within the State, can only be obtained by the constraint of the individual, that means by sacrifice and surrender once more. The barriers set up to guard against assaults on this security hamper the man of good will and the supporter of public order in his movements. The demands made for security are often pitched too high and therefore make claims on the State which it is unable to meet, and the fulfilment of which would be beyond the scope of its functions. State aid can, to a very limited extent only, be invoked against the powers of Nature, and for our purpose we shall confine the objective of State measures to making provision that its citizens can live "not in security, it is true, but free to follow their avocations." A man ought not to shout for Granny State as soon as danger confronts him, but, in the first instance, endeavour to aid himself and his neighbour. State protection that goes too far rears a weakly, dependent breed. Within the strong but wide barriers of State security, self-protection and common action with others, similarly endangered, must have free play. Law, security, and order are most effectively guaranteed by the prestige of authority, by a civic sense of voluntary subordination and fear combined, far more effectively than by continuous tutelage. But apart from that, it is good for a man on a lonely road to feel that he can depend



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on his own right arm ; better than on the constable  
in the nearest village.

Security abroad is far more a question of State  
might than at home. Undoubtedly the individual  
citizen abroad is no outlaw ; no doubt legal under-  
takings for security exist between the several States,  
but we have had a far too palpable experience of what  
little protection there is for private property in war  
time, because we were conquered ; and the treatment  
Germans are still experiencing on the other side of  
the frontiers even to-day, is the consequence of the  
small measure of fear they entertain for the Empire  
there. A German has to have plenty of daring to go  
abroad nowadays, now that the flag has ceased to  
cover him.

### *Debate*

Let us in the first instance take the meaning of the  
word " debate " as narrowly and as literally as may be,  
that is to say, as the expression of opinion, and set out  
from the assumption that a sound State must welcome  
debate because it is a sign of active participation in  
civic life. Hence the State ought to encourage and  
safeguard freedom of speech and can do so without  
danger to itself where it is itself strong and in accord  
with its citizens on questions of vital import.

The assumption for this freedom of public opinion  
is that it find utterance only in the interests of the  
commonwealth, of the Empire, and of the nation,  
even if there be differences of opinion on the subject  
of these interests. In the debate of such differences

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the danger of publicity should not be overlooked, because foreign countries may thereby be furnished with weapons against the debater's own State. The freedom of the public expression of opinion is only tolerable, so far as the State is concerned, when its representatives and spokesmen impose some restraint on themselves. Where it is lacking, the State, as custodian of common interests, must check this freedom and call for surrender, of freedom in this case, in this particular, too. In times of danger at home and abroad, when a weakening of the State seems probable and must at all costs be forestalled, a restriction of public opinion is inevitable. That the constraint should be temperate and temporary follows from the general axiom that in public and civic life conflict has something of the force of a law of Nature, and that the suppression of its expression leads to the danger either of stagnation or of explosion.

When we talk of debating, the word directs us to Parliament, which for this purpose should be regarded less as a legislative, jointly-governing assembly than as a centre for the expression of opinion. The word should also connote participation in selfadministration on the part of the administered.

Many attacks are launched on the Parliamentary system nowadays ; they find an easier target in its excrescences and its abuses than in its essentials (Wesen). So we ought not to translate the word "parlare," as people are fond of doing, by chatter, but by counsel. It is obvious that if such counsel is not, in fact, to sink to the level of chatter, it postulates

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a hearing and common-sense deliberation as well ; by this means Parliament comes to exercise a natural influence on the Government or administration because the latter, in the interests of the business in hand, will be at pains to adopt this counsel, more especially if it comes from an expert source which is itself directly concerned in the effect of the measure. This expert and self-interested counsel furnishes the counterpoise desired to a bureaucracy further aloof from the realities of life and appraising them through the spectacles of formal regulations. The scope for counsel from the citizen, to serve any useful purpose, lies far more in the many really active assemblies of selfadministration and State administrative sub-offices than in the great central Parliaments in which it is far easier for a party bureaucracy to command a hearing than persons qualified to debate the matter.

In this short study of debate do not, however, let us overlook the fact that it is not speech but action that first awakens the genuine sense of responsibility. The man of action, therefore, is entitled to precedence over the debater ; hence debate must lead to action on which discussion thenceforward ceases to, and must not be allowed to, exercise any influence, because it cannot relieve the man of action of his responsibility.

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CHAPTER VIII  
THE HEAD OF THE STATE

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## CHAPTER VIII

# THE HEAD OF THE STATE

### *The Form*

THE State, considered in terms of architectonics, is a pyramid, the symbol of self-supporting strength, to whose harmony of structure belong the breadth of the plinth, as well as the supported and supporting middle tiers and the final apex stone. It makes no difference whether the structure be developed upwards from the broad base by the apt imposition of higher and narrower tiers up to its apex, or whether this apex stone was in place from the outset, and the broadening base, upraising it, was built up to ensure its elevation and support. Compared with this principle of State construction, supporting and at the same time culminating in a dominating apex, the particular form is unimportant. These forms are subject to historical evolution and of themselves are neither good nor bad ; you might call them, as against the architectonic basic thought, mutable forms of style, of which nothing more is asked than that they do not mar the main plan.

Weighty reasons and, no less important, deep-rooted sentiment, can be adduced for all forms of

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State governance ; the history and characteristics of the country and people determine the form. Changes of the form are rarely, not always—for organic evolution of form is conceivable—effected without fighting, because they involve a breach with the old. The form is, as is the case in all similar conflicts, the outcome of the relationships of Might within, and, as we have ourselves experienced, at times outside, the State.

If, in opposition of this view, we were to try to maintain an ideal of the historical and national continuity of State and constitutional forms, we should have to reject the majority of the forms obtaining in the world at the present juncture, for it is precisely in the shaping of the State apex that the several nations of our day show divergencies hardly ever known before. It is neither our purpose nor our intention to enumerate or to review them ; it is, however, of importance to grasp the basic principles underlying all forms at all times.

We discover this basic principle in the worth of and value attached to personality. It is impossible in these days of the triumph of democratic and pseudo-democratic views and forms to escape the conviction that, by reason of the distress into which the wild exaggeration of these views and their consequences have led the nations, and of the difficulties and struggles at home and abroad that prove the incapacity of mobrule, the demand for personal leadership has arisen. Even where these needs have not led up to the form of dictatorship, we see the rise of the significance attaching to personalities whom merit

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or accident has led to dominant positions and who, even under a democratic form, exercise monarchic authority. The ruler's sceptre may often pass swiftly into other hands ; there is often no need for devotion to any particular person ; the need for leadership in the abstract is enough. The sense of incapacity to rule, for the most part unconscious and rarely admitted, is inherent in the mob, and in the hour of danger this sense rises to terror ; mass terror leads to panic, to chaos—or to leadership.

### *The Functions*

The apex, whatever its historical evolution may have been, is an organic part of the State so ingrown into it that there is something to be said for the Royal epigram that designated itself the State, as well as for that other that defined the King as the first servant of the State. The apex, most intimately linked to the destinies of the people and the State, becomes the personification of the realm. The first consequence of this is the, in our view, unquestioned postulate of the national character of this apex. It is only the historical development of the sense of nationality that has made this postulate a matter of course ; it has not always been, although history furnishes many examples to illustrate the fact, that only the men grown up out of the living body of their people have become successful leaders. The task, incumbent on the leader, is a purely national one, aiming only at the furtherance of the weal and strength of his nation, that cannot be without, and ought not to be without, a national



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bias. As against the increasing international complexity of common interests the first function of the Head of the State is to represent the State as a nation.

If in the preceding pages we have, on several occasions, pointed out the characteristics of these international associations, their advantages and dangers, the need arises for one State authority where these especial interests are brought into line with those of the nation. The conception of a Head of the State premises that he be conscious of being supported by, and in touch with, all the forces and movements astir within the nation, but, at the same time, upraised by them to an eminence that affords a commanding outlook. The former assumes not only devotion to his office, which may be taken for granted, but a knowledge of the several conflicting forces within the State complex as well, and the gift for appraising aright their bearing on the common weal, the sense for the really vital issues and those of promise for the future. If we care to recall the initial simile of the pyramid once more, the essence of this structure is that the topmost stone be equidistant from the component parts of every supporting tier. If we transfer the simile to terms of ethics, it becomes clear that the duty of the apex is a like regard for all tiers of the nation and that the duty of conscious and supporting co-ordination in the State structure is incumbent on the latter. The width of outlook from the apex must not be cramped either by ties of associations of interests or by the fog of party programme. Neither postulate

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is as simple and as much a matter of course as it may at first sight appear. The former, so far as purely material relationships to economic forces are concerned, probably is, but not when one comes to consider the continuity of personal associations with well-defined social strata. Undoubtedly, no man in any position should be called upon to surrender his convictions on questions of principle in political or economic issues ; but it is none the less the duty of the Head of the State to do justice to all effective movements in the nation, and to endeavour to control them for the well-being of the State so that any question of their justifiable repression only arises when such movements are directed against the existence of the State itself. Equally important is the need for the elevation of the Head of the State above the range of party politics. Parties are natural fighting organizations, and it may appear no less natural for a leader of a party, victorious within the State, to become Head of the State. But that has the great danger that the Head may, in this case, lack the quality of conciliating and representing all forces, and that the leader of a party be placed in a position which is the room for a leader of the State. In the case of a really statesman-like personality, the change of outlook required may succeed in ridding him of party ties and in realizing the duty of the representative of the realm ; but he will always find his path beset by the stones of a distrust, which it is easy to understand, whereas the position calls for trust in a personality, not in the spokesman of a party programme.

*The Limitations*

The boundary lines within which the personality of the Head of the State can work effectively are in their main outlines indicated by what has just been set forth ; they must in any case be broad enough to give this effective work fair scope ; on the other hand, they must be close enough to keep the personality within its proper functions. These bounds depend in their essential general direction as much on the historical development of the country as on its national characteristics and therefore cannot be outlined in theory pure and simple. For practical purposes they should be laid down in a form that meets the needs of the moment, hence they should not be defined to meet every emergency, but must be subject to variation, as determined by the political situation. A legal or constitutional definition of all the rights of the Head of the State is far less important than the question of the personality occupying the sphere allotted to it. It is always troublesome when in the hour of danger at home or abroad formulæ to give legal precedent have to be contrived. Such emergency may be the exercise of the Might of the Head of the State ; the important point is for him to be at that moment in a position and entitled to exercise this Might within the legitimate limitations of his authority, and to be supported by the trust of the people, just as he himself is trusted to restrict the exercise of his Might in times of peace and quiet.

Undue restriction of the rights of the Head of the

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State indicates a distrust on the part of the people in their own State form and supreme representative. He is to a certain extent treated as a necessary evil, and is only entrusted with convenient representative functions.

We have tried to demonstrate, in the course of the foregoing, that this is tantamount to complete failure to understand the needs of the State and therewith the part which the Head of the State is called upon to play. In the eyes of a grown-up, self-conscious, and politically educated people, the Head of the State is its representative, a part of itself, and at the same time the embodiment of the State in which it has found freedom, security, and fusion. Whether a constitution lays down wider or narrower limits for the rights of the Head of the State in general, he must be assured of two rights : the opportunity of an outlook over the life of a nation as a whole, together with that of working effectively from this point of vantage with a view to guiding and conciliating it, and the right of being the leader of the nation in the hour of danger.

Trust on the one side and a sense of responsibility on the other furnish more trustworthy limitations than legal documents.

### *The Duties*

The first duty of the Head of the State is extreme readiness to assume responsibility.

We shall not allow ourselves to be led astray by the democratic axiom that the representative Head of the State has no Parliamentary responsibility, but in his

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actions must at all times wear "the constitutional fancy dress." In his time Bismarck, with delicate irony and equal conviction for the King he covered, emphasized the advantages of this Parliamentary cloak room; there is therefore no need for fresh evidence of the necessity for this protection for the Head of the State against interference due to the political quarrels of the moment. That has nothing to do with the true responsibility, whether imposed *Dei gratia* or by *Populi vox*; in either case it is equally heavy. In both it is equally rare for the call to find a genius above normal stature, but it is the sense of responsibility that forces the greater part of the call to leadership on the man of destiny.

The responsibility we are discussing here is overwhelming as compared with that of Parliament; in the latter case the leader is called upon to face a changeful majority and to submit to its will or to dominate it. He may be put out of office or retire voluntarily; with office he divests himself of responsibility. The Head of the State is not free to do this. His responsibility is, in the first instance, to his own conscience. Do not let us have any nonsense about the judgment-seat of history, a man who thinks of that is exposed to the danger of acting from motives of vanity, for the sake of the posthumous fame; the responsible leader of the State feels responsible to himself and, what is the same thing, to his people alone. He may make mistakes, but he makes them with a single heart, and he cannot shuffle the blame for his mistakes on to the shoulders of any other human being in the world.

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Herein lies the essence of his formal immunity from responsibility, because it implies the highest, because indivisible, responsibility. The structure of the State affords occasion for a multitude of shared responsibilities which all have the public weal as their aim ; to offset them there must be one authority in whom they centre, in whom, having been dissipated by diffusion, they regain the strength of unity. Hence, a nation that collaborates politically, that consciously represents its own interests, therefore a democratic people in the truest sense of the word, has need of the directing power of personality.

Every great human task entails the need of sacrifice for the cause ; the nation, too, looks for such surrender from its leader. Personal feelings do not count as against the State conception embodied in the Head of the State. In him we have the conception, transmuted into terms of personality whose will is subject to one law only :

*Salus rei publicae summa lex.*



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